

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Roanoke Division**

RILEY AMORE and CAROLINE PARKER,
*Individually and on behalf of all others
similarly situated,*

Plaintiffs,

v.

AMERICAN ASSOCIATION OF
VETERINARY CLINICIANS, et al.,

Defendants.

Case No. 7:25-cv-00229-EKD-CKM

METE ENDER TUNCAY, DVM,
*on behalf of himself and all others
similarly situated,*

Plaintiff,

v.

AMERICAN ASSOCIATION OF
VETERINARY CLINICIANS, et al.,

Defendants.

Case No. 7:25-cv-00369-EKD-CKM

**DECLARATION OF STEVEN F. MOLO IN SUPPORT OF PLAINTIFF METE ENDER
TUNCAY’S MOTION FOR APPOINTMENT OF INTERIM CO-LEAD CLASS
COUNSEL**

I, Steven F. Molo, declare as follows:

1. I am a founding partner of MoloLamken LLP, one of the law firms representing Plaintiff Mete Ender Tuncay, DVM, in *Tuncay v. American Association of Veterinary Clinicians*, No. 7:25-cv-00369 (W.D. Va.). I am a member in good standing of the State Bars of New York and Illinois and filed an appearance in this matter on June 12, 2025.

2. I submit this declaration in support of Dr. Tuncay's motion to appoint Berger Montague PC and MoloLamken LLP as interim co-lead class counsel for the proposed class of current and former veterinary interns and residents.

3. MoloLamken represents clients from around the world in complex disputes and investigations. My partners and I founded the firm in 2009 on the premise that complex disputes are most effectively handled by smaller teams of talented, seasoned lawyers focused on results. A hallmark of our work is collaboration. Substantially more than half of our matters involve collaboration with another firm. Our wins for plaintiffs over the last several years have been valued in excess of \$7 billion.

4. The firm and many of our lawyers are recognized in *Chambers and Partners*, *Legal 500*, and similar publications. Our clients and colleagues at other firms have praised our work in those publications, saying, among other things:

- "MoloLamken offers a rare blend of legal brilliance, strategic insight, and a genuine commitment to client success."
- "The team at MoloLamken is truly exceptional. What sets them apart is their ability to grasp the essence of complex legal issues with remarkable speed and precision."
- "MoloLamken ensures that every matter is approached with deep insight and attention to detail."
- "[MoloLamken is] [o]ne of the country's most prestigious litigation boutiques."
- "They stand out for providing advice to complex matters. They are fast and sharp."
- "Very smart and collaborative."
- "MoloLamken has the best combination of strategy and first-class execution I have ever seen. They are top to bottom excellent, with no weak links."
- "MoloLamken is a star-studded firm of the best litigators in the commercial space. They are brilliant lawyers who tower over the competition."

5. We were recently a finalist for the *National Law Journal*'s 2025 Elite Trial Lawyers, Business Torts – Firm of the Year, and previously won that recognition in 2019 and 2020. *Benchmark Litigation* named MoloLamken a Top Litigation Boutique in 2023, and the *National Law Journal* named the firm to its Appellate Hot List in 2023 and 2024. Additional information about MoloLamken and some of the firm's accolades are attached as Exhibits 1-12.

6. MoloLamken has extensive experience prosecuting and defending antitrust class actions and has successfully represented plaintiffs in other types of class actions as well. MoloLamken also has extensive experience with class-action appeals and a robust appellate practice more generally. Five of our 24 partners have clerked for a Justice on the U.S. Supreme Court.

7. With Berger Montague, MoloLamken has been investigating and developing this case for approximately one year. Both firms have expended considerable resources doing so, with MoloLamken alone logging over 290 attorney hours in support of the putative class. MoloLamken is accustomed to financing complex cases and routinely invests significant financial resources and attorney time in litigating claims against the largest and most well-funded defendants in the world. It will bring the same resources and commitment to ensure the successful prosecution of this case.

8. As one of the founding partners of MoloLamken, I will be leading the firm's efforts in this case. I am a highly experienced courtroom advocate and have spent decades representing both plaintiffs and defendants in class-action cases. For example, I lead MoloLamken's efforts in the *Apple Smartphone Antitrust Litigation*, the *FICO Antitrust Litigation*, and the *College Athlete NIL Litigation*. I also led MoloLamken in *NFL Players' Concussion Injury Litigation*, *Gruber v. Gilbertson*, and *Burnett v. National Association of Realtors*. On the appellate front, I argued

Marion HealthCare, LLC v. Becton Dickinson & Co., 952 F.3d 832 (7th Cir. 2020), which clarified the standard for direct-purchaser claims under *Illinois Brick*.

9. I have also played a leading role in other high-profile cases, including: *In re Revlon, Inc.*, No. 22-br-10760 (S.D.N.Y. Bankr.) (counsel for debtor-defendant in \$880 million adversary proceeding; resulted in dismissal followed by settlement); *Red Tree Invs., LLC v. Petroleos de Venezuela, S.A.*, Nos. 19-cv-2519, 19-cv-2523 (S.D.N.Y.) (obtained judgments worth \$280 million, with interest still accruing); *Contrarian Cap. Mgmt. v. Bolivarian Republic of Venezuela*, Nos. 19-cv-11018 *et al.* (S.D.N.Y.) (obtained judgments totaling approximately \$600 million, with interest still accruing); *Representaciones e Investigaciones Medicas S.A. de C.V. v. Espinosa Abdala*, 655112/2016 (N.Y. Sup. Ct.) (plaintiff's counsel for global pharmaceutical company prosecuting \$4 billion fraud and contract claims; resulted in settlement); *U.S. Bank v. DLJ Mortg. Cap., Inc.*, No. 65163/2013 (N.Y. Sup. Ct.) (plaintiff's counsel in this and other RMBS suits in which MoloLamken recovered over \$1.4 billion); *In re Bank of N.Y. Mellon*, No. 150973/2016 (N.Y. Sup. Ct.) (represented investors in RMBS trusts in proceedings to determine distribution of a \$9 billion settlement among classes of bondholders); *United States v. Silver*, No. 15-cr-93 (S.D.N.Y.) (defense counsel for former Speaker of the New York Assembly in a federal criminal jury trial on public-corruption charges).

10. Among other accolades, *Benchmark Litigation* has consistently named me one of the top 100 Trial Lawyers in America, praising me as “an outstanding advocate” who is “fearless in court.” And *Chambers and Partners* has called me “fantastic in the courtroom” and “very bright, imaginative, and creative in [my] approach to problems.”

11. A copy of my biography is attached as Exhibit 13.

12. I am joined on this case by other highly experienced MoloLamken attorneys: Eric Posner, Jennifer Fischell, Eric Nitz, and Cody Wiles.

13. Eric Posner is counsel at MoloLamken and a Professor of Law at Chicago Law School. He is one of the nation's foremost experts on antitrust law—including its application to labor markets—and one of the most-cited living legal scholars. He is also an experienced practitioner, having appeared as counsel in numerous antitrust cases.¹ He recently served as Counsel to the Assistant Attorney General for the Antitrust Division of the Justice Department, where he focused on wage-suppression cases. He has also testified before Congress and the FTC regarding antitrust policy. A copy of Mr. Posner's MoloLamken biography is attached as Exhibit 14 and his curriculum vitae is attached as Exhibit 15.

14. Jennifer Fischell is a partner at MoloLamken, where she focuses on complex commercial cases and appeals, including at the United States Supreme Court.² She has been recognized as a *Benchmark Litigation* 40 & Under Litigator and has served as the co-chair for the Appellate Practice Committee of the American Bar Association's Section of Litigation since 2024. Ms. Fischell previously clerked for Justice Elena Kagan of the United States Supreme Court. She also clerked for Judge Raymond Kethledge of the United States Court of Appeals for the Sixth Circuit and Judge Ronnie Abrams of the United States District Court for the Southern District of New York. Ms. Fischell's biography is attached as Exhibit 16.

¹ See, e.g., *In re Apple Inc. Smartphone Antitrust Litig.*, No. 2:24-md-3113 (D.N.J.); *Apple v. Pepper*, No. 17-204 (U.S.); *Marion HealthCare, LLC v. Becton Dickinson & Co.*, 952 F.3d 832 (7th Cir. 2020); *In re College Athlete NIL Litigation*, No. 20-cv-3919 (N.D. Cal.).

² See, e.g., *AMG Cap. Mgmt., LLC v. FTC*, 141 S. Ct. 1341 (2021); *Borden v. United States*, 141 S. Ct. 1817 (2021); *Old Dominion Elec. Coop. v. PJM Interconnection, LLC*, 24 F.4th 271 (4th Cir. 2022); *Marion HealthCare, LLC v. Becton Dickinson & Co.*, 952 F.3d 832 (7th Cir. 2020).

15. Eric Nitz is a partner at MoloLamken. He has extensive experience in complex litigation and multi-district litigation.³ In 2019, the National Law Journal named Mr. Nitz a Washington, D.C. “Rising Star.” He clerked for Judge Joel M. Flaum on the U.S. Court of Appeals for the Seventh Circuit. Mr. Nitz’s biography is attached as Exhibit 17.

16. Cody Wiles is an associate at MoloLamken, where he focuses on complex commercial litigation, including antitrust matters. Mr. Wiles clerked for Judge Jill A. Pryor on the U.S. Court of Appeals for the Eleventh Circuit and Judge John Antoon II on the Middle District of Florida. Before becoming a lawyer, Mr. Wiles served four years as a field artilleryman and combat marksmanship coach in the United States Marine Corps. Mr. Wiles’s biography is attached as Exhibit 18.

17. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on July 7, 2025
New York, NY

Respectfully submitted,

/s/ Steven F. Molo
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³ See, e.g., *In re NFL Concussion Litig.*, No. 12-md-2323 (E.D. Pa.) (high-profile class action involving football player head injuries); *In re Roundup Prods. Liab. Litig.*, No. 21-16228 (9th Cir.) (products liability MDL); *In re Syngenta AG MIR 162 Corn Litig.*, No. 14-md-2591 (D. Kan.) (MDL and class settlement arising from pre-approval sale of corn variety); *In re Terrorist Attacks on Sept. 11, 2001*, No. 03-md-1570 (S.D.N.Y.) (multi-district litigation arising from terrorist attacks).

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EXHIBIT 1



Our Firm

New York, NY | Washington, DC | Chicago, IL

Who We Are

MoloLamken is a law firm focused exclusively on representing clients in complex disputes. We handle civil, criminal, and regulatory matters, as well as appeals, across the United States. Our clients span the globe. We are involved in some of the most significant disputes of the day.

Our founding partners, **Steven Molo** and **Jeffrey Lamken**, developed national reputations based on their courtroom successes while partners at large full-service firms where they held leadership positions. With an abiding belief that complex disputes are most effectively handled by smaller teams comprised of smart, highly experienced lawyers focused on results rather than process, they formed the firm.

We provide experienced advocacy – for claimants as well as defendants – before judges, juries, arbitral forums, and courts of appeals, including the Supreme Court of the United States. We also represent clients in regulatory and criminal investigations and conduct internal investigations.

"Brilliant lawyers with courtroom savvy and the best brief writing teams you can find."

Benchmark Litigation



"One of the country's most
prestigious litigation boutiques."

Lawdragon

How We Handle Cases

Complex disputes – at every stage – are best handled through collaboration.

Whether mapping out a discovery plan, developing an investigation strategy, preparing for trial, or analyzing issues for an appeal, our emphasis is on teamwork and communication. We draw on a broad range of skills within the firm, and if the matter warrants it, we will draw on expertise outside the firm.

Typically, for matters in the pre-trial or discovery stage or during the course of an investigation, teams – including the client in person or by phone – meet regularly, often weekly, to review developments and strategy. That meeting is followed by an email that sets forth the near-term course of action and makes any needed adjustments to the broader strategy.

With briefs in both appellate and trial courts, we work to circulate drafts early and elicit substantive and stylistic contributions from the team.

Each step of the process – from the filing of a complaint, arbitration demand, or answer through trial and appeal – is planned and executed using our proprietary project management system.

We scale up or down as the situation demands – often working with leading academics or other world-class experts – to provide the client with a bespoke team designed to achieve the best results.

"Outstanding and has real trial prowess."

Legal 500

Evaluation of Pending and Potential Matters

From time to time businesses or individuals may seek a greater understanding of, or second opinion on, a matter in which they are involved or in which they may be contemplating becoming involved. We have experience in providing such advice – sometimes working with existing counsel or sometimes consulting with the client privately apart from existing counsel.

We also advise hedge funds, private equity firms, and other businesses considering investment or other strategic decisions that may be impacted by a pending or threatened litigation, arbitration, or investigation facing an industry or company.

Finally, we advise clients who come to us and simply ask, "do I have a case?"

Fee Arrangements

We look to establish fee arrangements that provide clients with predictability and reward us for efficiency and results.

We favor sharing risk with our clients and look to understand their goals in a matter, then structure a fee arrangement that is fair and that recognizes the value in achieving those goals. There are many ways in which such fee arrangements can be structured. Flat fees, percentage holdbacks, milestone payments, and partial contingencies are just some of the ways to achieve a fair and predictable fee.

While we will enter into hourly billing arrangements with clients, our strong preference is to find a way to reach a professional commercial arrangement centered on value rather than time spent on a matter.

"Bright, highly informed, and gutsy."

Chambers and Partners

International Clients

We frequently represent clients who are based outside the United States but are involved in U.S.-centered or cross-border disputes or investigations. This includes work for foreign sovereigns. We provide the same excellent representation to those clients as we do to our U.S.-based clients, often teaming up with leading lawyers from other parts of the world.



"Known for its meticulous attention to detail and for pushing cases to trial where its stars can shine."

Vault.com

Our Value Proposition

1. **First, we listen.** Rather than begin by telling clients the answer, we take time to understand the problem. Then we develop a strategy all agree will be the most likely to bring about a successful result.
2. **Second, we bring experienced judgment to every level of the representation.** Our team consists exclusively of people who can contribute meaningfully from the start. We do not have a summer associate program or look to hire recent law school graduates.
3. **Third, we are focused on the value our representation brings to clients and results.** And we structure fee arrangements that reward them.
4. **Fourth, we are committed to using technology and alternative staffing structures** that allow us to draw on needed subject matter expertise on a case-by-case basis and allow us to focus on what we do best – develop and execute on winning strategies as advocates.

"All-star litigation shop."

Law 360

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EXHIBIT 2

LAWDRAGON

LEGENDS OF THE LAWDRAGON 500: STEVEN MOLO

By John Ryan , Katrina Dewey | January 31, 2022 | Lawyer Limelights, News & Features



Photo by Michael Paras.

Many of the ingredients that go into being a great trial lawyer – tenacity, intelligence, the talent for storytelling, the ability to shift gears in an instant after months of preparation – don't necessarily guarantee success over the long haul in such a competitive profession. For Steven Molo, the traits that have proven just as important to his longevity – his decades of success in public and private practice across every type of complex case imaginable – are gratitude and optimism. These have supported his tireless devotion to his craft in court as well as his stewardship of a litigation boutique forged in the wake of the Great Recession. Firms built on both talent and nimbleness have an edge in times of crisis: Not surprisingly, MoloLamken has thrived in the pandemic, and even a people-person like Molo sees the silver linings of some of the changes brought to the practice of trial law over the past 20 months.

Like many a perennial Lawdragon 500 member, Molo began his career as a prosecutor. He then practiced at Winston & Strawn and Shearman & Sterling before co-founding his own firm in 2009 with renowned appellate litigator Jeffrey Lamken. In the world of litigation boutiques, Molo feels blessed to have had a mentor like Stephen Susman, another Lawdragon Legend who passed away in July 2020 after a biking accident. Their last conversation focused on the wisdom of investing in the next generation of trial lawyers. Molo is confident that group will take the reins of a profession that better reflects the nation's diversity.

Lawdragon: What are you working on these days?

Steven Molo: It's the usual mix of complex business disputes, white collar criminal matters, and a bit of IP. I'm about to start a jury trial representing a shareholder class in a securities fraud case before Judge Rakoff here in New York. I'm representing the Special Litigation Committee of Twitter's board related to a derivative suit in the Delaware Court of Chancery challenging a transaction the company did with Silver Lake and Elliot Management. Later in the year, I'm trying an accounting malpractice arbitration in Philadelphia and a trade secrets case in California. I was just retained to represent a non-US defendant in a high-profile white collar criminal matter. All interesting work. I'm fortunate.

LD: Where does the work come from?

SM: All over, really. We get a lot of referrals from other lawyers. We get referrals from current and past clients. People read about our work on the internet and contact us. Large and small firms bring us into matters when they are looking to add additional courtroom firepower, sometimes early and sometimes late in a case. We're proud that more than half our cases involve another firm. We're highly collaborative within the firm and that extends to working with others. Our juniors are taught: do excellent work, don't worry about the credit, be commercial, be user friendly.

LD: You mentioned you are about to start a jury trial. You're known as a great cross-examiner. Is there a tip or two you are willing to share to help those trying to develop that skill?

SM: Prepare and improvise. I enter every cross-examination having spent hours and hours researching everything inside and outside the record that can be used to elicit testimony that may help my case, undercut my opponent's case, or undermine the witness's credibility. I have both questions and a strategy planned in detail. But a cross-examination is not a performance, it's a dynamic interaction between two people. Whether through fear, inexperience, or incompetence, many lawyers fail to truly listen to the witness's answers and consider them in the context of the rest of the evidence. Sometimes a witness will serve up a nugget. You've got to be prepared to snatch it and run with it despite what's in your notes. Or maybe you have to abandon a line of carefully crafted questions. Extraordinary preparation won't make you a good cross-examiner if you lack situational awareness and the ability to react. Just as bad are lawyers who believe that the key is being quick on your feet and are unwilling to put in the time to prepare.

LD: How has the pandemic impacted your firm?

SM: We pushed through the initial uncertainty everyone faced, remained busy, and have gotten stronger. We've always staffed matters across all three of our offices. So, the transition to full-time remote work wasn't particularly challenging. But our culture is critical to our success and that's easier to tend to when you see your colleagues in person. We've grown the team with some fantastic people and that caused us to rethink and improve our onboarding and training. We've generally enhanced our internal communication and mentorship as well. As for the practice, we've had fewer trials but lots of appellate and trial court arguments. That said, we have four trials starting in early 2022.

LD: How about you personally?

SM: I've appreciated the reduced travel. It's made for greater efficiency and less expense. It seems video hearings and depositions are with us to stay. But, there are those times when appearing in person makes a difference. Some studies claim that as much as 85% of communication is non-verbal. Zoom, Teams, and similar platforms don't capture the full extent of non-verbal communication you experience in a courtroom. As an advocate you want to have every tool available. So, I miss the amount of time I spent in courtrooms.

LD: You are one of the nation's truly elite litigators, what trends do you see in terms of high-profile litigation and investigations these days?

SM: Antitrust is an area of increasing activity as the current administration is stepping up its efforts. We're starting to see disputes relating to SPACs. With high-profile athletes and other celebrities – as opposed to traditional financial players – featured in some of the transactions, you have to think the market is overheated. Crypto is still the wild west without any real regulation and high volatility in valuations. That makes it ripe for lawsuits and investigations. And we believe that while it's a bit slow at the moment, restructuring and insolvency litigation will make a big comeback when the markets turn, as they inevitably do. We've added some talent and enhanced our learning in all of these areas.

LD: Where does IP fit, in terms of litigation trends?

SM: IP remains hot. We're quite active in patent litigation and don't see it slowing. With technology continuing to advance rapidly and playing so big a part in our lives, the stakes are enormous. We're also seeing an increase in the related area of trade secrets – across an array of industries. We just collected a \$31.7 million judgment in a case I tried involving the development of electric power plants. We have another high-profile matter pending that involves the conversion of passenger airplanes to freighters.

LD: What about litigation finance – it seems to be an increasing presence in high-profile disputes?

SM: The litigation finance industry and our firm have pretty much grown up together. We know essentially all of the key players and have worked with many of them – sometimes helping vet matters, sometimes having them provide capital to a client. At its core, litigation finance is a great thing because it provides access to justice. Clients that might not be able to find a lawyer, or at least a high caliber lawyer, to take a worthy case on a full contingency basis can vindicate their rights. Smart corporations are using it to realize the value of assets without using their own balance sheets. And law firms like ours, that do a fair amount of alternative fee work, can hedge some of their risk. There are some major financial organizations with extremely smart people committed to the space. There are some not-so-smart folks too. Like any relatively new industry you'll see a shakeout. But long term, it's here to stay.

LD: It seems that litigation is both local and increasingly global. What has that meant for you and MoloLamken?

SM: It may seem unusual for a firm with no overseas offices, but many of our clients are important organizations and individuals based outside the US. We have particularly strong ties to the UK, Japan, Germany, Switzerland, France, and Latin America. And we have clients – including sovereigns – from other parts of the world. Many of them find us through our relationships with excellent lawyers in other countries. Our partners work to develop and maintain those relationships – calling on those lawyers and helping them whenever possible. Despite the recent nationalist rhetoric here and abroad, technology and commercial realities continue to drive law – including disputes and investigations – to become more international. Lawyers doing sophisticated work need to have sensitivity to other cultures. That's part of our firm DNA. And besides, it's fun having friends all over the world.

LD: You lost a friend and mentor with the death of Steve Susman. Has that caused you to reflect on the meaning and effect of mentorship?

SM: I've said before that I've been extremely fortunate to have had great mentors throughout my career. I met Steve when I was still in big law, but we became much closer once we launched MoloLamken. He was sort of the granddaddy of the litigation boutique world, a great lawyer, and lots of fun. He was incredibly generous with his time and insights and wasn't worried about helping someone who might be a competitor. He believed that sharing made for a richer life. What's the adage, "you can hold more water in an open palm than in a tight fist"?

LD: When did you see him last?

SM: A few months before his biking accident we had lunch in Aspen, just the two of us. We talked about a lot of things – new types of cases, the need to make time to physically and mentally recharge, how bad the remake of Mary Poppins was. I declined to see it with Steve the night before.

LD: Is there anything that sticks out from that conversation?

SM: It's interesting given what's going on with associate compensation right now. Both Susman Godfrey and our firm pay associates above the so-called "market rate". He was saying how it was worth it and actually made, rather than cost, the firm money. The compensation attracts and rewards top talent, but the investment only pays off if you also provide associates with the training and opportunities to develop into strong lawyers.

LD: How do you train and give opportunities to junior lawyers?

SM: All of our associates have clerked for judges so that's an excellent foundation. Within the first six or seven months they get ten days of offsite training through the NITA deposition and trial programs. We look for pro bono opportunities that will not only get them on their feet but also have them in charge of the case. It's almost a rite of passage for associates to argue a 7th Circuit appeal. Most importantly, we give them responsibility on cases. They routinely take and defend fact and expert depositions. If we go to trial, we find a way for them to take a witness or argue motions. We spend a lot of time and money to hire extraordinarily talented people. Why not put that talent to work?

LD: How does today's focus on diversity and inclusion play out in an elite firm like MoloLamken?

SM: We started the firm, as we say, with "five white guys". We are extremely proud that today more than a third of our lawyers are from backgrounds traditionally underrepresented in the legal profession. And we do not have the large first and second year classes that favorably impact diversity statistics in larger firms. Our senior staff is all women, mostly women of color. We earnestly believe that diversity makes us stronger and demonstrate that belief with our time and money. We're big supporters of the ABA Judicial Internship Opportunity Program, which places law students from underrepresented backgrounds with judges for the summer. We're active sponsors of the Leadership Council on Legal Diversity, a great partnership between law firms and corporations. Several partners and associates have been LCLD fellows. We partner with Genesys Works to employ and mentor high school students from underserved communities. It's very much on our mind. Even though we don't have the resources of a mega-firm, we can do more, and we will.

LD: Your firm has grown steadily over 12 years, adding great people and handling important, high-stakes matters. If you had to identify a single factor in that success, what would it be?

SM: It's a little hard because a lot of things, including luck, have combined to get us where we are today. We always say it begins and ends with our people. Hard work, talent, following a clear vision all play a role. I guess if you have to single out one factor, I'd say it's our culture. We are passionate about the representation of our clients and practicing with the highest degree of professionalism. We strive to employ the best talent and resources to do that. We recognize people bring different strengths to the firm and we work to develop those not only to benefit our clients but also to benefit our people. We work every day at having a respectful and mutually supportive environment that allows people to reach their potential. We don't always get it right, but we try.

LD: Do you see the pandemic having lasting effects on the legal profession?

SM: Of course, like the rest of the world lawyers have learned you don't need to get on a plane, or even go to the office, to meet effectively. I doubt we'll ever go back to the traditional five days in the office work week. That's good because it can give people more time and allow firms to access talent in remote places without opening offices. And of course, office space and cost will shrink too. The downside is that the informal mentoring and spontaneous collaboration that occurs from running into someone in the hallway will occur less often. The effect of that can't be underestimated because we essentially train through an apprenticeship process. Firm leaders need to keep that top of mind and account for it, or the profession and those we serve are going to have problems.

LD: Have you noticed the pandemic effecting how lawyers conduct themselves?

SM: Anyone who tells you this has not been hard is a liar. Even the great corporate transactional firms that have enjoyed a boom have had challenges with the mental strain that the isolation, sickness or fear of getting sick, and almost total dependency on technology have imposed. Life's more complicated. In some ways that's a positive because I think it's really raised awareness of the importance of mental health. What we do is hard. Seeking help has often been seen as a weakness. The pandemic has made many people realize that their mental health and the mental health of those around them has to be a priority. My best friend from law school took his own life so this issue has always been important to me.

LD: Are law schools doing a good job preparing students to practice?

SM: We don't hire directly from law schools but obviously our associates are the product of what's being taught. The increased practical training through clinical courses is good. However, I think schools would better serve students and the profession by offering and requiring more and shorter courses. For example, you could learn a lot about antitrust or securities regulation in eight weeks rather than sixteen. Law school is the place to get that basic doctrinal training in a variety of subjects. I see a lot of "law and..." courses on transcripts and maybe not enough federal courts.

LD: The country is deeply divided between the right and left, with dialogue and actions that are often extreme and disturbing. Where do lawyers fit in this discourse?

SM: In a sense, we're paying the price for our extraordinary liberty. The internet, the absence of the Fairness Doctrine, the virtually unlimited money that can back a cause or a candidate, the tougher burdens for public figures in defamation cases. They all contribute to the vitriol. But just because you can say almost anything, loudly, doesn't mean you should. We have an obligation to uphold the rule of law. I tried two redistricting cases, both more than ten years ago, that ultimately determined the control of the state legislature. The parties fought extremely hard, but everyone understood there'd be a winner and a loser and we'd abide by the court's decision. That's not the sentiment we've seen recently. Lawyers need to step up, in a non-partisan way, to both ensure, and then publicly endorse, the integrity of elections. The electoral process and peaceful transition of power are central to our democracy. Officials, with the help of responsible lawyers, have to structure and run elections that cannot be credibly challenged. And lawyers, both through organizations and individually, have to tell the public, friends, and family that things are on the square. Tell them challenging the rule of law is playing with fire, and a misstep can burn down the house. Without the rule of law, we're no better than some petty dictatorship. Every lawyer owes that to our country.

LD: Non-lawyer ownership of law firms is trending. The compensation gap between lawyers at the handful of most profitable firms and those at other large firms, not to mention lawyers in smaller cities and in public service, is enormous. Lawyers have been sanctioned for making unsubstantiated allegations to challenge the election. How optimistic are you about the future of the legal profession?

SM: I'm extremely optimistic about the legal profession. Law schools continue to attract bright people who want to make a difference in the world. Applications are way up. Lawyers played a central role in founding this country. Every social, political, business, and scientific advancement we've had has been in some way tied to the law. Lawyers and the law influence the arts and religion. Smart, honest, hard-working people want to be part of that. There have always been lawyers who've been paid a lot of money for valuable service to business and those who are compensated much less for equally valuable service in the public interest. And the stakes in law, like the stakes in business, have gone up. That's capitalism. Maybe the non-lawyer ownership of firms is a way to provide basic legal services at a lower cost to people who can't afford an expensive lawyer. The fact that the courts have held lawyers accountable for their conduct in the election cases shows the system works. The law provides for our ordered liberty. Fortunately for all of us, there are still plenty of capable people who recognize that and want a career in its service.

EXHIBIT 3

Super Lawyers®

The Closer

Steven Molo had a vision for the perfect firm; then he created it.

PUBLISHED IN SUPER LAWYERS MAGAZINE
NEW YORK METRO EDITION
BY TIMOTHY HARPER
PHOTOGRAPHY BY LUIGI CIUFFETELLI

In the fall of 2015, Sheldon Silver, the longtime New York Assembly speaker who was under indictment over federal corruption charges, was getting hammered in the press in the months leading up to his trial in the Southern District of New York. Much of the criticism of Silver was being driven by comments to reporters from then U.S. attorney Preet Bharara, a prosecutor at the height of his power and popularity.

So Joel Cohen, the Stroock attorney running Silver's defense, called on Steven Molo. At a hearing, Molo prepared an unexpected motion to, in effect, gag Bharara against trying the case in the press. The motion, several inches thick, included hundreds of pages of news clippings of Bharara's quotes.

"Molo strode into the courtroom with the motion and massive appendix and dropped it on the prosecutor's desk," Cohen recalls. "Few lawyers are willing to take on the U.S. attorney that way. And it clearly had an impact."

Unexpected motions can be risky in high-profile federal criminal cases, but this one worked. It derailed the prosecution's momentum during the weeks it took for Bharara's office to answer the motion, and then the judge responded by chastising Bharara.

"The result was that, until the trial began some months later, every single story about our client—and many were extremely negative about him—discussed the fact that Bharara had been reprimanded by the judge," Cohen says. "The motion and the way it was brought helped create that balance."

Steven F. Molo

MoloLamken LLP

Trial Lawyer, Complex Disputes
and Investigations

New York



Molo is a lawyer who isn't afraid to make unexpected moves—and not just in court. Midcareer, he left a senior litigator position in one of Chicago's major firms for a venerable white-shoe firm in New York. "People thought it was crazy," he says. A few years later, he surprised everyone again by swapping the stability of a white-shoe firm for a startup's risks and rewards. "I realized there were opportunities outside the big-firm setting," he says.

He breaks the mold in other ways as well. In an age of specialization, Molo handles both civil and criminal cases, in both federal and state courts, from quiet investigations and settlement negotiations to trials and appeals. His practice is primarily high-stakes business litigation and white collar criminal defense, with some IP tossed in. At least 80 percent is in trial courts and the rest appeals. "That would be terribly boring if every day I went to work on the exact same type of case," he says.

His clients have been the famous and the infamous, the accused and the accusers, the heads of major corporations and the salaried employees who blow the whistle on major corporations. Last year, he drew headlines for refusing to represent a certain temporary resident of Washington, D.C., who was beleaguered with a Russian problem.

DURING A RECENT MONDAY mid-morning conversation in his corner office over Park Avenue, Molo noted that his firm's floor plan doesn't segregate partners, associates and support staff. "It's purposely designed to facilitate interaction and collaboration," he says.

Wearing a suit and a white shirt with the collar open, Molo talks easily about his unlikely path to these offices.

He was born into a Polish-American family in Roseland, a working-class neighborhood on the far south side of Chicago. He still gets together with some of the kids he met attending the local Catholic grade school. Over 6 feet tall and rangy, Molo was a decent high school basketball player and a better golfer. He posts about 30 scores a year, including an annual spring getaway with a group of golfing pals who are in private equity and real estate.

Molo tended bar while attending the University of Illinois, and during summers painted boxcars in the factory where his father worked. After getting his J.D., he worked as a prosecutor with the state attorney general in Chicago; four years later he joined Winston & Strawn, one of Chicago's leading corporate firms. He married a doctor, Mary Wood, they had four kids, and he settled into life as a top partner, on the executive committee, at a respected firm.

One day, Molo took a call from a headhunter. He hadn't been looking for a job, but "I was unhappy with my partners about something, and I can't even tell you what it was," he says. "He caught me on the right day."

He wasn't interested in that particular offer, but the call made him realize he wanted to make a move. Eventually, in 2004, Molo joined Shearman & Sterling, seeking the challenge of joining one of the world's dominant law firms on the biggest legal stage. "New York has got sort of a unique place in the business world and the legal world," he says.

Molo had a productive 5 ½ years there but chafed at the cases he was not allowed to take because of conflicts within the firm. He began dreaming about the perfect law firm: nimble, transactional, entrepreneurial, where highly skilled lawyers take on the cases and clients they feel passionate about. A firm where everybody is a team player.

He found a fellow dreamer in Jeff Lamken, an appellate attorney who has argued two dozen cases before the U.S. Supreme Court. With their own money, they opened MoloLamken offices in New York, Washington, D.C., and Chicago in 2009. They've never taken a loan. "We have sued most of the major banks," Molo notes. It helped that they were starting the firm as the country struggled in the midst of the Great Recession; Manhattan office space was relatively cheap, and clients were rethinking their relationships with law firms—meaning the opportunity to use alternative fee structures was available. Now about half MoloLamken's cases are on at least a partial contingency.

Molo talks little about past celebrity clients—including Oprah and Prince—or about saying no when a Trump representative asked him to join the president's defense team on the Mueller probe. The offer was a surprise, since Molo once represented Deutsche Bank in a lawsuit to recover a portion (\$40 million) of an outstanding loan (\$330 million) from the

original \$640 million that the bank had lent Trump. Trump claimed he didn't have to repay the loan—and that Deutsche Bank actually owed him money—because it was one of the banks that had caused the Great Recession. Molo fired back with a "withering document" on Trump, according to Newsweek, and the case settled when Trump paid up—oddly, with a loan from a different division at Deutsche Bank.

The White House, apparently not put off by the withering document, sent the invitation in the spring of 2018. Molo turned it down—but not for political reasons. "It was very much a legal issue," Molo says. "You can't take every case."

In a phone call from an SUV taking him to trial for a trade secrets case, Molo ticked off a handful of other cases he and his firm did take on. He's defending former CEO Martin Winterkorn in the Volkswagen emissions scandal. He has represented the shareholders that were suing Alibaba, the Chinese tech giant, and the Cherokee Nation in an opioid case. Molo led the retired NFL players' objection against the proposed settlement for concussion damages, and got them \$120 million more. Over the past three years, he says, MoloLamken has had cumulative wins valued at more than \$2 billion for its clients.

Asked for a common thread in his cases, Molo has a one-word response: "Complex."

Clients agree. "This is very complex financial information we're talking about," says Neil Margolies, general counsel of Tilden Park Capital Management, a major hedge fund manager. "Steve can take very complicated matters and make them simple."

Margolies compares Molo to a closer in baseball. But then Margolies corrects himself: A relief pitcher doesn't have to play both



ROBERT STOLARIK/THE NEW YORK TIMES/REDUX

"Few lawyers are willing to take on the U.S. attorney that way," says Joel Cohen, the attorney running Sheldon Silver's defense, about Molo's contributions.



offense and defense.

Awareness of what's happening outside the courtroom can be critical during a trial, Molo says. When Sheldon Silver came to trial in 2015, Molo and Stroock's Joel Cohen recognized that the jury would probably convict their client. However, they were closely watching a case before the U.S. Supreme Court that might relax the standard for corruption among public officials and bolster their appeal. During the trial, Molo played—and planned—for an appeal, introducing many similarities between the Silver case and the defense briefs in *McDonnell v. United States*, the Supreme Court appeal by former Virginia Gov. Robert McDonnell of his corruption conviction. At times, Molo adopted language straight from McDonnell's lawyers' Supreme Court arguments.

Silver was convicted at trial, but the Supreme Court decided in favor of McDonnell, and Silver ended up being granted a new trial.

"He's a great litigator," says Paul Basta, a partner at Paul, Weiss, Rifkind, Wharton & Garrison, who has hired Molo several times. He especially appreciates the way Molo—who co-authored the book *Your Witness*, a how-to on cross-examinations—approaches witnesses. "He reads people very well," Basta says.

"It's very different trying a case in Peoria, Illinois, than trying a case in the Southern

District of New York," says Molo, who has done both. "You can't use the same approach. You have to account for the differences in the jury pool."

LAST APRIL, Molo was reading not juries but potential hires—four applicants for associate positions at the firm. MoloLamken applicants are told they should have had at least one top clerkship, preferably with a federal judge. They should be entrepreneurial but collaborative. They should also expect to be interviewed by every other lawyer in the firm. Molo and the partners prefer to hire and train young lawyers from the ground up; they have never hired a partner who brings along a "business book" of previous clients.

These four latest applicants were all good, Molo says. Not just good, great. But the partners made an offer to only one. That candidate, as the last step for all new associates, will have a session with an industrial psychologist—just to make sure they fit in. Personality is important, Molo says, in a small, high-intensity practice where teamwork is a key part of the culture, and where everyone is expected to have a restless curiosity and be willing to take risks and embrace challenges.

"We are looking for team players who really work well with others," he says.

Within the first few months, new associates are sent for National Institute of Trial Advocacy

training, first for depositions and then for trials. "Virtually everybody in the firm is client-facing and goes to court," Molo says. The firm pays "above the standard Cravath scale." He likes to say the firm is family friendly, with no policy prohibiting working from home.

With 38 lawyers, including 13 partners, MoloLamken still has no formal management structure beyond weekly phone calls between the two founders and monthly conference calls with all partners. Molo and Lamken call the shots, but all partners—and associates, too—are urged to speak up whenever, wherever.

Pro bono, Molo adds, is part of the firm's DNA. "Our role is to provide access to justice," he says. Recent studies show lawyers average about 37 hours a year in pro bono work; the ABA encourages 50. Over the past two years, MoloLamken's lawyers have donated more than 8,000 hours—or more than 150 hours per lawyer per year.

Some lawyers strive to present themselves as humble and unassuming; Molo talks about confidence. "I think anybody who does this and is any good has a pretty high level of confidence," he says. "That's not to say you don't do stupid things from time to time or have judges tell you that you've done something stupid. But you have to have the confidence and belief in yourself. And ultimately that translates into clients having a belief in you."

EXHIBIT 4

Litigation Leaders: The Founders of MoloLamken on the Firm's 'Brains and Brass Knuckles' Litigation Approach

By Ross Todd
May 31, 2022

Meet **Steven Molo** and **Jeffrey Lamken**, the founders of national litigation boutique **MoloLamken**. Molo is based in New York and Lamken is based in Washington, D.C. Prior to founding the firm in 2009, Lamken headed the Supreme Court and appellate practice at **Baker Botts** and Molo had been a partner at **Shearman & Sterling** and **Winston & Strawn**.

Tell us a little about yourself—beyond what's in your law firm bios.

Steve Molo: Well, while it's not on the website, a lot of people know the story of how we met. Ron Perelman had sued Morgan Stanley for fraud based on the sale of his company, Coleman (Parent) Holdings, to Sunbeam. We both got involved late in the case, after serious discovery sanctions were imposed, resulting in a \$1.8 billion verdict for Perelman. The case was a mess. We say it was so bad we met on the deck of a sunken submarine; we weren't even inside. We ultimately got things turned around and judgment entered for Morgan Stanley.

How big is the firm and where are most of your litigators concentrated geographically?

Jeff Lamken: We now have about 40 lawyers, and seven more associates will join us later this year. We're pretty evenly split among New York, Washington, D.C., and Chicago.



Steven Molo and Jeff Lamken of MoloLamken.

What was the vision back when you left big law to form your own litigation shop? What's played out as planned?

Lamken: To be a go-to firm for complex high-stakes litigation, for plaintiffs and defendants, as well as investigations, and to handle matters from trial courts, to courts of appeals, and in the U.S. Supreme Court.

Molo: We had an 85-page strategic plan with no numbers, and 50 iterations of the numbers in pro formas. When you look at where we are today and where we said we wanted to be, it lays over nicely.

What's surprised you about the experience?

Molo: Neither of us were managers, so there was a lot to learn about recruiting, training, and retaining talent. We have an A+ team and that's the result of a great deal of effort. Another surprise has

been the demand for our services by sophisticated non-U.S. clients, given that we have offices only in the United States.

What do you see as hallmarks of your firm's litigators? What makes you different?

Lamken: We have what we sometimes call a "brains and brass knuckles" approach.

Molo: We're aggressive, keeping cases moving forward to trial. But we always keep legal issues at the forefront, recognizing they almost always dictate the outcome of cases.

In what three areas of litigation do you have the deepest bench? (I know it's hard, but please name just three.)

Molo: We basically do three things: business disputes, broadly defined; IP disputes; and white-collar defense and investigations. That's true for trial and appellate work.

How many hires have you made in the last 12 months? What do you look for in lateral hires?

Molo: We hired five associates this year. We also lost a couple of people who went off to great government positions. We look for people who are incredibly smart, passionate about the work we do, and highly collaborative.

Lamken: All associates have clerked for at least one, but more often two, judges and might have spent a year or two at a large firm. Our interview process is rigorous, and we spend a lot of time on recruiting. It's produced a great team.

What were some of your firm's biggest in-court wins in the past year, and can you cite tactics that exemplify your firm's approach to success?

Lamken: We won two cases in the Supreme Court: *Arthrex*, which challenged the appointment

of Administrative Patent Judges under the Constitution's Appointments Clause; and *AMG Capital Management*, which challenged the FTC's authority to impose financial penalties through what it termed "equitable monetary relief." We won an acquittal in a jury trial in a campaign finance prosecution in Washington, D.C. We collected a \$32 million judgment following a trade secrets trial in New York. We won summary judgment exceeding \$350 million for a hedge fund client holding distressed Venezuelan debt. There were a number of others, and several major settlements. Creativity is part of our DNA. The breadth of our practice helps us see things others might miss.

What does your firm's coming trial docket look like?

Molo: We're about to start a civil securities fraud jury trial for the plaintiff class in the SDNY. We have an upcoming criminal bank fraud jury trial in Boston. We've got a bench trial set in a case concerning the distribution of proceeds of a mortgage-backed securities settlement in the New York Supreme Court Commercial Division. We are representing a trader in a criminal spoofing case set for trial in Chicago. And we were just retained to represent a major corporation in a significant civil antitrust case set for a jury trial in the Midwest. We also have a lot of great cases beyond the trial courts. The Supreme Court gave [Calls for the Views of the Solicitor General] in three of our cases this year, an impressive number for any firm.



EXHIBIT 5

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MoloLamken LLP

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About

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USA

Firm Details:

Managing Partners: Steven F. Molo and Jeffrey A. Lamken

Number of partners: 21

Number of other lawyers: 21

Languages: *English, Arabic, French, Korean, Mandarin Chinese, Russian, Spanish*

Firm Overview:

MoloLamken focuses exclusively on representing clients in complex disputes. It handles civil, criminal, and regulatory matters, as well as appeals, across the United States. MoloLamken's clients span the globe. MoloLamken is involved in some of the most significant disputes of the day.

The firm's founding partners, Steven Molo and Jeffrey Lamken, developed national reputations based on their courtroom successes while partners at large full-service firms where they held leadership positions. With an abiding belief that complex disputes are most effectively handled by smaller teams comprised of smart, highly experienced lawyers focused on results rather than process, they formed the firm.

MoloLamken provides experienced advocacy –for claimants as well as defendants–before judges, juries, arbitral forums, and courts of appeals, including the Supreme Court of the United States. The firm also represents clients in regulatory and criminal investigations and conducts internal investigations.

Main Areas of Practice:

- Appeals
- Arbitration
- Bankruptcy, Insolvency and Restructuring Litigation
- Complex Business Litigation
- Intellectual Property & Technology
- Internal Investigations
- Regulatory
- Securities Litigation
- Supreme Court
- White Collar Defense & Investigations

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Authored by
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Lawyers



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International Arbitration: Enforcement

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Band 1

What the Team is Known For

MoloLamken LLP is a distinguished litigation practice offering expertise in civil and criminal litigation. The firm is highly sought after for its expert handling of criminal and civil investigations conducted by agencies such as the DOJ and SEC. The group counts a number of former federal prosecutors, state attorney generals and local prosecutors among its impressive bench.

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"MoloLamken LLP is an unbelievable firm."

Litigation: Specialist Firms in White-Collar Crime & Government Investigations respondent
USA

Notable Practitioners

Provided by Chambers



Justin Shur

Band 2

Justin Shur of MoloLamken LLP has significant experience in both enforcement investigations and high-stakes criminal trials, and is particularly renowned for individual representation. He also plays a key role in high-profile congressional investigations.

"Justin is phenomenal."


"Justin is incredibly smart and always very thoughtful."


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District of Columbia

Litigation: White-Collar Crime & Government Investigations





Justin Shur

Band 2

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Band 2

What the Team is Known For

MoloLamken is a boutique dispute resolution practice with a strong reputation for its experienced and accomplished stable of trial and appellate lawyers. It offers excellent capacity to handle commercial claims, with expertise in areas including intellectual property, trade secrets and insolvency litigation. The firm is highly regarded for its strength in pursuing high-value RMBS and wider securities claims, securing significant successes for institutional investors and major shareholders.

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Work Highlights

- MoloLamken represented Anywhere Real Estate in an antitrust class action brought against it, the National Association of Realtors and other member brokers, which alleged the defendants conspired to inflate the commissions that Missouri home sellers pay to brokers who represent the buyers of their homes.



Strengths

Provided by Chambers

*"MoloLamken is a very good boutique."*Litigation: General Commercial: Highly
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USA

Notable Practitioners

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**Justin Ellis**
Band 1



Justin Ellis is noted for his work for major financial institutions on high-stakes contested proceedings, as well as a range of complex matters in securities and structured finance.

"Justin is analytical and has a good legal mind."

"Justin is thoughtful, thorough, collaborative and hyper focused on the things that matter to the client."

"Justin is a very good lawyer, I like him a lot."

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**Steven F Molo**
Band 1

Steven Molo achieves excellent results for company and individual clients across a broad range of disputes. He excels on the plaintiffs' side of securities cases, as well as in defense of corporate clients in complex commercial matters.

"Steven is a very experienced and savvy courtroom lawyer."

"Steve has more experience than 90% of the field. He just has so much hands-on court experience and gets the client perspective."

"Steve is the best strategist that I have ever worked with. He is in a class by himself. He is a maestro."

"Steven is a smart guy who is very strategic. He is a big name and definitely has a lot of insight to bear."

"Steven is a really terrific lawyer."

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**Sara Margolis**
Up and Coming

Sara Margolis has an impressive breadth of litigation experience and has handled cases spanning a host of contract disputes, securities fraud claims and intellectual property suits.

"Sara is really smart, versatile and all over the details."

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New York

Litigation: General Commercial

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**Justin Ellis**
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Securities: Institutional Plaintiffs: Mainly RMBS Litigation



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Steven F Molo



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Band 4

What the Team is Known For

MoloLamken is renowned for representing clients in white-collar criminal enforcement proceedings and regulatory investigations, advocating for both companies and individuals in federal and state trial and appellate courts. The firm's expertise spans a broad spectrum of criminal issues, including fraud, money laundering, political corruption and antitrust violations, among other matters.

[View ranking table](#)

Work Highlights

- MoloLamken LLP successfully represented Samuel Lim, the former Chief Compliance Officer of Binance, in the investigation into Binance and its CEO.
- MoloLamken LLP successfully represented Samuel Lim, the former Chief Compliance Officer of Binance, in the investigation into Binance and its CEO.

Strengths

Provided by Chambers



"MoloLamken has outstanding trial lawyers with great legal acumen. The team are strong litigators and appellate advocates."

Litigation: Specialist Firms in White-Collar Crime & Government Investigations respondent
USA

Notable Practitioners

Provided by Chambers



Steven F Molo



 Band 3

Steven Molo undertakes a wide variety of mandates on behalf of corporates and individual clients, whom he represents in regulatory investigations and criminal proceedings, as well as complex commercial litigation.

“Steve is highly sophisticated and has outstanding general commercial awareness and vision for the firm.”

“Steve is an excellent litigator who understands the business of his clients. He is smart, articulate, energetic and personable.”

“Steven has spent lot of time in court on both defense and plaintiff sides, in civil and criminal matters, making him a very experienced and savvy courtroom lawyer.”


[View Profile](#) >


Ranked Lawyers at MoloLamken LLP

Provided by Chambers

Filter by







New York

Litigation: White-Collar Crime & Government Investigations



 Steven F Molo

 Band 3

[View Profile](#) >



Department Profile

Securities: Institutional Plaintiffs: Mainly RMBS Litigation

USA Guide 2025 : New York

Band 1

[6 yrs Ranked](#) >

Ranked lawyers
[03](#)



[MoloLamken LLP](#) >
www.mololamken.com

Contact number
+ 212 607 8160

Share profile

[Chambers Review](#) [Work Highlights](#) [Strengths](#) [Notable Practitioners](#) [Ranked Lawyers](#)

Chambers Review

Provided by Chambers

Provided by Chambers

Securities: Institutional Plaintiffs: Mainly RMBS Litigation - New York

Band 1

What the Team is Known For

MoloLamken is a boutique dispute resolution practice with a strong reputation for its experienced and accomplished stable of trial and appellate lawyers. It offers excellent capacity to handle commercial claims, with expertise in areas including intellectual property, trade secrets and insolvency litigation. The firm is highly regarded for its strength in pursuing high-value RMBS and wider securities claims, securing significant successes for institutional investors and major shareholders.

[View ranking table](#)

Work Highlights

- MoloLamken represented Anywhere Real Estate in an antitrust class action brought against it, the National Association of Realtors and other member brokers, which alleged the defendants conspired to inflate the commissions that Missouri home sellers pay to brokers who represent the buyers of their homes.

Strengths

Provided by Chambers



"They are very talented attorneys."

Securities: Institutional Plaintiffs: Mainly
RMBS Litigation respondent
USA



"MoloLamken has a strong bench and evidence of lots of depth at junior associate level."

Securities: Institutional Plaintiffs: Mainly
RMBS Litigation respondent
USA




"MoloLamken has the best combination of strategy and first-class execution I have ever seen. They are top to bottom excellent, with no weak links."

Securities: Institutional Plaintiffs: Mainly
RMBS Litigation respondent
USA

Notable Practitioners

Provided by Chambers



1

Justin Ellis

1

Band 1


Justin Ellis is noted for his work for major financial institutions on high-stakes contested proceedings, as well as a range of complex matters in securities and structured finance.

"Justin is analytical and has a good legal mind."

"Justin is thoughtful, thorough, collaborative and hyper focused on the things that matter to the client."

"Justin is a very good lawyer, I like him a lot."

[View Profile >](#)



1

Steven F Molo

1

Band 1

Steven Molo achieves excellent results for company and individual clients across a broad range of disputes. He excels on the plaintiffs' side of securities cases, as well as in defense of corporate clients in complex commercial matters.

"Steven is a very experienced and savvy courtroom lawyer."

"Steve has more experience than 90% of the field. He just has so much hands-on court experience and gets the client perspective."

"Steve is the best strategist that I have ever worked with. He is in a class by himself. He is a maestro."

"Steven is a smart guy who is very strategic. He is a big name and definitely has a lot of insight to bear."

"Steven is a really terrific lawyer."

[View Profile >](#)



U

Sara Margolis

U

Up and Coming

Sara Margolis has an impressive breadth of litigation experience and has handled cases spanning a host of contract disputes, securities fraud claims and intellectual property suits.

"Sara is really smart, versatile and all over the details."

[View Profile >](#)

Ranked Lawyers at MoloLamken LLP

Provided by Chambers


Filter by

Location...

Practice area...

Band

New York
Litigation: General Commercial




1

Steven F Molo

1

Band 1

[View Profile >](#)




6

Justin Ellis

6

Band 6

[View Profile >](#)



U


Sara Margolis


U


Up and Coming

[View Profile >](#)

Securities: Institutional Plaintiffs: Mainly RMBS Litigation










Band 1

[View Profile >](#)







Band 1

[View Profile >](#)

EXHIBIT 6

[Home](#) › [Rankings](#) › [United States](#) ›

MoloLamken LLP

 mololamken.com

United States

[Rankings](#)[About](#)[Lawyers](#)[Hot topics](#)[Contact](#)

MoloLamken is a law firm focused exclusively on representing clients in complex disputes. It handles civil, criminal, and regulatory matters, as well as appeals, across the United States. The firm's clients span the globe. MoloLamken is involved in some of the most significant disputes of the day.

The firm's founding partners, Steven Molo and Jeffrey Lamken, developed national reputations based on their courtroom successes while partners at large full-service firms where they held leadership positions. With an abiding belief that complex disputes are most effectively handled by smaller teams comprised of smart, highly experienced lawyers focused on results rather than process, they formed the firm.

MoloLamken provides experienced advocacy – for claimants as well as defendants – before judges, juries, arbitral forums, and courts of appeals, including the Supreme Court of the United States. The firm also represents clients in regulatory and criminal investigations and conducts internal investigations.

Main areas of practice

- Appeals
- Arbitration



- Intellectual property and technology
- Internal investigations
- Regulatory
- Securities litigation
- Supreme Court
- White-collar defense and investigations

Languages

- English
- Arabic
- French
- Korean
- Mandarin Chinese
- Russian
- Spanish

Staffing Figures

- 21 Number of Partners
- 21 Number of Other Lawyers

Content supplied by MoloLamken LLP



UNITED STATES • DISPUTE RESOLUTION

2 Appellate: courts of appeals / Appellate: supreme courts (states and federal)



MoloLamken LLP

More information >

The practice group at MoloLamken LLP is well-versed in handling cases before the Supreme Court and federal courts of appeals, with particular strength in appeals involving IP, energy, telecoms, sovereign immunity, and constitutional and administrative law. The practice is directed by Jeffrey Lamken, who is lauded by one client as an ‘especially adept oral advocate, uniquely composed and prepared for anything’. His recent cases of note have included representing Nobel Prize-winning scientists Jennifer Doudna and Emmanuelle Charpentier before the Federal Circuit after the Patent Trial and Appeal Board declined to award them the patent for the CRISPR-Cas9 system for editing genes in eukaryotic cells. Also noted is appellate specialist Lucas Walker, who recently argued a significant trademark case on behalf of Abitron Austria before the Supreme Court. Appellate litigators Rayiner Hashem, Michael Pattillo, Robert Kry and Sara Margolis are additional key contacts. All lawyers mentioned are based in Washington, D.C., with the exception of Margolis, who is based in New York.

Legal 500 Editorial commentary

PROFILE

mololamken.com

Testimonials

Collated independently by Legal 500 research team.

‘Strong oral advocates on appellate matters and reliable, such that we come back to them time and time again. They are always very prepared.’

‘Jeffrey Lamken is an especially adept oral advocate, uniquely composed and prepared for anything that could come at him.’

Key clients

Abitron Austria GmbH, Abitron Germany GmbH, Hetronic Germany GmbH, Hydronic-Steuersysteme GmbH, ABI Holding GmbH, Albert Fuchs
Official Committee of Talc Creditors
Regents of the University of California, the University of Vienna, and Emmanuelle Charpentier

Ninth Inning Inc. d/b/a The Mucky Duck, 1465 3rd Ave. d/b/a Gael Pub, Robert Gary Lippincott, Jr., and Jonathan Frantz, on behalf of themselves and classes of residential and commercial subscribers to DirecTV’s “NFL Sunday Ticket” package
Maria Esparraguera

DivX, LLC
Natera, Inc.
Allergan Sales, LLC
Duke University
AbbVie Inc.

Work highlights

- Represented Abitron Austria GmbH and affiliates in proceedings before the Supreme Court and Tenth Circuit.
- Represented the Official Committee of Talc Creditors on appeal to the Third Circuit, successfully challenging two bankruptcy petitions filed by LTL Management LLC.
- Represented class action plaintiffs on appeal to the Ninth Circuit, seeking reinstatement of a \$4.7 billion antitrust jury verdict relating to DirecTV’s NFL ‘Sunday Ticket’ offering.

Lawyers

Leading partners

The strongest partners in their field, leading on market-leading deals and endorsed by peers and clients alike.



Jeffrey Lamken

Most recent partners

Next generation partners

Junior partners with significant recognition from clients and peers in the market and key roles on multiple matters.



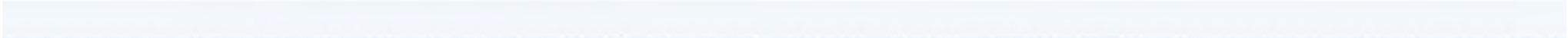
Lucas Walker

Practice head

Jeffrey Lamken

Other key lawyers

Lucas Walker; Rayiner Hashem; Michael Pattillo; Robert Kry; Sara Margolis



UNITED STATES • DISPUTE RESOLUTION

3 Corporate investigations and white-collar criminal defense



MoloLamken LLP

More information ›

MoloLamken LLP has a strong litigation team representing investors, boards, senior executives, and companies in white-collar matters. The practice is co-led by [Steven Molo](#) in New York and [Justin Shur](#) in Washington DC. Molo defends individuals facing allegations of corruption, healthcare fraud, insider trading, and financial misconduct. Shur represents clients before the SEC and DOJ in investigations concerning FCPA violations, tax offenses, money laundering, and national security. [Caleb Hayes-Deats](#), also in Washington DC, handles government and congressional investigations. [Megan Cuniff Church](#) in Chicago is recommended for sensitive internal investigations

Legal 500 Editorial commentary

PROFILE

[mololamken.com](#)

Testimonials

Collated independently by Legal 500 research team.

'Capable firm, home to skilled partners and good people.'

'Justin Shur is a terrific lawyer who provides excellent representation to individual clients.'

'Justin Shur is simply amazing. He is experienced, smart, and exceptionally responsive.'

'MoloLamken is my go-to for referrals for any individual. The firm is full of extremely experienced and capable former prosecutors who also have excellent bedside manner with clients and are a true pleasure to work with.'

'MoloLamken is a terrific firm that provides great value to clients. I've entrusted them with numerous individual representations and will continue to do so. They are committed and aggressive counselors.'

Work highlights

- Represented the Chief Compliance Officer of Binance, the world's largest cryptocurrency exchange, regarding multiple U.S. government investigations and enforcement actions.
- Representing the Chief Operating Officer of Allied Wallet, a former payment processing company, in a bank and wire fraud case.
- Representing a J.P. Morgan commodities trader in connection with a prosecution involving allegations of securities fraud.

Lawyers

Leading partners

The strongest partners in their field, leading on market-leading deals and endorsed by peers and clients alike.



Steven Molo

Practice head

Steven Molo; Justin Shur

Other key lawyers

Caleb Hayes-Deats; Megan Cuniff Church

UNITED STATES • DISPUTE RESOLUTION

3 Securities litigation: plaintiff



MoloLamken LLP

More information >

As part of its broad oeuvre of complex commercial litigation, New York-headquartered firm MoloLamken LLP has continued to pick up some notable victories for investors in securities fraud and shareholder rights cases at both trial and appellate level. Praised for its ‘very smart and collaborative’ approach to handling matters, including in international cases, the team, which is noted for its ability to try cases, provides ‘practical advice to complex matters’. Steven Molo, who heads up the overarching complex litigation group housing the securities fraud offering, ‘brings practical insight and is razor sharp in his analysis’, leveraging his trial skills to good effect. Other key practitioners include Justin Ellis, who excels in handling complex securities matters for and against sophisticated global financial institutions, and Robert Kry, who splits his time between Washington DC and New York and has developed a particularly compelling offering in relation to securities matters with an international dimension.

Legal 500 Editorial commentary

PROFILE

mololamken.com

Testimonials

Collated independently by Legal 500 research team.

‘They stand out for providing practical advice to complex matters. They are fast and sharp.’

‘Very smart and collaborative.’

‘We love working with Steven Molo supported by other partners as needed. He brings practical insight and is razor sharp in his analysis. His strategic guidance can completely change a case.’

Key clients

Jon Gruber as class representative
Contrarian Capital Management
Axonic Capital

Ad Hoc Group of Convertible Amyris, Inc. Noteholders
Nadia Shash and Amjad Khan as class representatives
Interfaith Center on Corporate Responsibility, James McRitchie, and As You Sow

Sandra Hunter and Marla Strappe as class representatives
Marc S. Kirschner, as Trustee

Work highlights

- Represented two insurance companies in successfully challenging – and preventing – the issuance of a credit rating that violated the parties’ contract and the rating agency’s policies and procedures.
- Represent the plaintiff investor class on appeal in the U.S. Court of Appeals for the Seventh Circuit in *Hunter v. Elanco Animal Health Inc.*, seeking compensation for Elanco’s misleading public disclosures about its inventory channel-stuffing practices.
- Represent Contrarian Capital Management in its high-stakes suit against Venezuela over defaulted sovereign debt.

Lawyers

Leading partners

The strongest partners in their field, leading on market-leading deals and endorsed by peers and clients alike.



Steven Molo

Practice head

Steven Molo

Other key lawyers

Justin Ellis; Robert Kry; Sara Margolis; Lauren Dayton



UNITED STATES • DISPUTE RESOLUTION

4 General commercial disputes



MoloLamken LLP

More information >

Representing both plaintiffs and defendants, MoloLamken LLP represents clients in business disputes and IP litigation. The firm also houses an active white collar defense practice. Steven Molo leads the team from New York and represents clients, from senior executives to government officials, in high-stakes disputes. Also in New York, Justin Ellis is active in securities and structured finance litigation and bankruptcy and antitrust disputes. Sara Margolis in New York focuses on business and IP disputes, while Lauren Dayton excels in contractual and business torts litigation, splitting her time between Chicago and New York. Antitrust expert Lauren Weinstein is based in Washington DC and Eugene Sokoloff in Chicago has a balanced plaintiff and defendant practice.

Legal 500 Editorial commentary

PROFILE

mololamken.com

Testimonials

Collated independently by Legal 500 research team.

'The team at MoloLamken is truly exceptional. What sets them apart is their ability to grasp the essence of complex legal issues with remarkable speed and precision.'

'MoloLamken's ability to dive into specifics while keeping a strategic perspective is invaluable.'

'We have worked with various law firms all over the world, but MoloLamken stands out for its combination of technical excellence, commercial acumen, and a highly client-focused approach.'

'MoloLamken are not just legal advisors, they are true business partners who anticipate risks and provide pragmatic solutions.'

'MoloLamken's responsiveness, efficiency, and ability to navigate complex regulatory landscapes make them an indispensable part of our team.'

'MoloLamken offers a rare blend of legal brilliance, strategic insight, and a genuine commitment to client success.'

'MoloLamken ensure that every matter is approached with deep insight and attention to detail'.

'Their ability to quickly understand our challenges, tailor solutions to our needs, and deliver outstanding results makes them our trusted partner in every legal matter.'

'MoloLamken is a star studded firm of the best litigators in the commercial space. They are brilliant lawyers who tower over the competition'.

'Whether it's in court, in a negotiation, or in a brief, MoloLamken instill the highest level of confidence.'

Key clients

Anywhere Real Estate
Beam Suntory Inc. (now Suntory Global Spirits); Jim BeamBrands Co.
A-CAP

First Choice Federal Credit Union
Ad Hoc Group of Convertible Amyris, Inc. Noteholders
EEA Life Settlements, Inc.
O.K. Foods, Inc.

Ativos Especiais II - Fundo de Investimento em Direitos Creditórios - NP and Ativos Especiais III - Fundo deInvestimento em Direitos Creditórios – NP
Brighton Marine Inc.

Work highlights

- Representing Anywhere Real Estate in an antitrust class action brought against the National Association of Realtors and the country's largest real-estate brokerage firms.

Lawyers

Practice head

Steven Molo

Other key lawyers

Megan Cunniﬀ Church; Caleb Hayes-Deats; Mark Kelley; Alex Eynon

UNITED STATES • INTELLECTUAL PROPERTY

4 Patents: litigation (full coverage)



MoloLamken LLP

More information >

Litigation boutique firm MoloLamken LLP has developed a strong appellate practice to handle patents in the technology and life sciences industries. Speaking to the team’s broad expertise, the practice regularly manages Hatch-Waxman cases and recently secured a victory for DivX against Netflix at the PTAB. In Washington DC, Jeffrey A. Lamken and Michael Pattillo are nationally recognised appellate practitioners who are sought after for their expertise in high-stakes appellate proceedings in federal and state courts. Lamken and Pattillo co-chair the practice with Ben Quarmby, who is based in New York and focuses on trial and appellate patent litigation related to computer technology and data privacy. Other names to note in Washington DC include Lucas Walker, a specialist appellate litigator before federal and district courts, and Rayiner Hashem, an IP litigator recommended for his expertise in cellular communications, software and semiconductors. In New York, Sara Margolis is a skilled patent litigator who is typically engaged by biotech companies.

Legal 500 Editorial commentary

PROFILE

mololamken.com

Testimonials

Collated independently by Legal 500 research team.

'MoloLamken always try to give us the best team of lawyers with the appropriate expertise and experience.'

'Ben Quarmby is always very responsive and tries to provide me with the best practical solution.'

Key clients

VLSI Technology LLC
DivX, LLC
Natera, Inc.

The Regents of the University of California, the University of Vienna, and Emmanuelle Charpentier
Amgen Inc.
Nokia

Duke University
AbbVie Inc.
Allergan Sales, LLC
Colibri Heart Valve LLC

Work highlights

- Representing The Regents of the University of California, the University of Vienna, and Emmanuelle Charpentier in a Federal Circuit appeal concerning who owns the patent to one of the most groundbreaking inventions of our time—a CRISPR-Cas9 system for editing genes in eukaryotic cells.
- Representing Nokia Corp. in a Federal Circuit appeal challenging a \$166 million (\$181 million with pre-judgment interest) patent-infringement judgment.
- Representing AbbVie Inc. in defending a \$39 million patent-infringement judgment.

Lawyers

Leading partners

The strongest partners in their field, leading on market-leading deals and endorsed by peers and clients alike.



Jeffrey A. Lamken

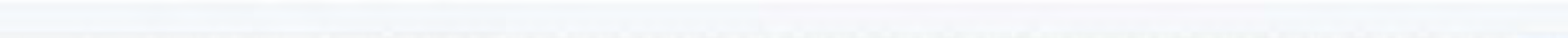
Practice head

Jeffrey A. Lamken, Partner, Washington, DC

Jenrey Lamken; Ben Quarmby; Michael Pattillo

Other key lawyers

Lucas Walker; Sara Margolis; Rayiner Hashem



UNITED STATES • NEW YORK CITY ELITE

1 Commercial disputes



MoloLamken LLP

More information >

Lawyers

Commercial disputes



1 Steven Molo



2 Sara Margolis

UNITED STATES • WASHINGTON DC ELITE

2 International litigation



MoloLamken LLP

More information >

Lawyers

International litigation



2

Robert Kry



2

Justin Shur

UNITED STATES • DISPUTE RESOLUTION

3 Leading trial lawyers



MoloLamken LLP

More information >

Lawyers

Leading trial lawyers



3 Steven Molo

EXHIBIT 7



BENCHMARK
LITIGATION

US AWARDS 2025 WINNERS

Thursday, March 6

583 Park Avenue
New York

PRACTICE AREA AWARDS

ANTITRUST FIRM OF THE YEAR

Cleary Gottlieb Steen & Hamilton

Cravath Swaine & Moore

Latham & Watkins

Williams & Connolly

Proskauer

ANTITRUST LITIGATOR OF THE YEAR

David Marriott, Cravath Swaine &
Moore

Michael Shuster, Holwell Shuster &
Goldberg

Christopher Ondeck, Proskauer

Sara Razi, Simpson Thacher & Bartlett

Joseph Saveri, Saveri Law Firm

APPELLATE FIRM OF THE YEAR

Gibson Dunn & Crutcher

Paul Weiss Rifkind Wharton & Garrison

Williams & Connolly

WilmerHale

Weil Gotshal & Manges

APPELLATE LITIGATOR OF THE YEAR

Lisa Blatt, Williams & Connolly

Thomas Hungar, Gibson Dunn &
Crutcher

Jeffrey Lamken, MoloLamken

Mark Perry, Weil Gotshal & Manges

Kannon Shanmugam, Paul Weiss
Rifkind Wharton & Garrison

Seth Waxman, WilmerHale

BANKRUPTCY FIRM OF THE YEAR

Akin Gump Strauss Hauer & Feld

Brown Rudnick

Kirkland & Ellis

Reid Collins & Tsai

Weil Gotshal & Manges

Sullivan & Cromwell

BANKRUPTCY LITIGATOR OF THE YEAR

Andrew Leblanc, Milbank

Elliot Moskowitz, Davis Polk &
Wardwell

Eric Madden, Reid Collins & Tsai

Lisa Schweitzer, Cleary Gottlieb Steen
& Hamilton

Mike Slade, Kirkland & Ellis

David Zensky, Akin Gump Strauss
Hauer & Feld

BOUTIQUE FIRM OF THE YEAR

Elsberg Baker & Maruri

Hecker Fink

Holwell Shuster & Goldberg

Hueston Hennigan

MoloLamken

Wilkinson Stekloff

Willenken

ENTERTAINMENT FIRM OF THE YEAR

Bird Marella Rhow Lincenberg Dooks
& Nessim

Greenberg Traurig

Kendall Brill & Kelly

Kinsella Weitzman Iser Kump & Aldisert

Loeb & Loeb

Proskauer

ENTERTAINMENT LITIGATOR OF THE YEAR

Scott Edelman, Gibson Dunn &
Crutcher

Ekwon Rhow, Bird Marella Rhow
Lincenberg Dooks & Nessim

John Berlinski, Bird Marella Rhow
Lincenberg Dooks & Nessim

Matthew Rosengart, Greenberg
Traurig

Alex Weingarten, Willkie Farr &
Gallagher

ENVIRONMENTAL FIRM OF THE YEAR

Arnold & Porter

Bartlit Beck

Hunton Andrews Kurth

Sidley Austin

EXHIBIT 8



MoloLamken: Benchmark Analysis

MoloLamken is a rare example of a litigation shop that has entrenched itself in three key geographic venues (New York, Washington, DC and Chicago) while remaining lean and nimble enough to qualify for “boutique” status. The firm’s name partners straddle the axis of trial and appellate counsel and maintain broad and diverse ranges of cases for an equally varied portfolio of clients. A peer offers in summation, “MoloLamken cover a lot of ground,” and further elaborates, “I’m actually seeing them doing a lot more *plaintiff* work!”

New York’s **Steven Molo**, one of the firm’s founders, is considered “a visionary,” by peers, one of whom emphasizes, “He’s a trial lawyer! He goes to court more than many others on [Benchmark’s] list.” True to form, Molo led a team serving as class trial counsel in a 10b-5 securities fraud stockholder class action against a company that transported oil developed from fracking in North Dakota to the coasts. Shortly before trial, the class reached a settlement with the company’s officers and defendants for \$14 million, nearly the entire remaining insurance policy balance. The ensuing jury trial proceeded against one remaining defendant, and a favorable verdict was rendered in June 2022. The case is now in the claims-processing phase. Other members of this team included New York’s **Sara Margolis** and **Robert Kry**, who works from both the DC and New York offices. “Oh my God, Robert Kry is so good,” raves a peer. “You *must* recognize him!” Molo also leads an antitrust class action against National Association of Realtors concerning allegations of conspiracy to inflate commissions for real estate brokers, and was also retained by a Special Litigation Committee established by Twitter’s (now X’s) Board of Directors to investigate claims made in a shareholder-derivative suit filed in the Delaware Court of Chancery. The suit alleged that the Board’s directors breached their fiduciary duties by approving a \$3 billion settlement with an activist investor who was bent on ousting then-CEO Jack Dorsey.

Jeffrey Lamken, in the firm’s DC office, is an appellate practitioner. A client cheers his “excellent writing and strong skills in oral presentation.” A DC peer quips, “Jeff is so known for IP appeals cases that I think he’s developed a real niche in that world. God help you if you want a Supreme Court case out of the Federal Circuit because I’m sure Jeff is going to go after it and most likely get it.” Although intellectual property might be a particular substantive area of concentration, Lamken actually scored big in a bankruptcy-related appeal in which he represented the Official Committee of Talc Creditors in the Third Circuit in a challenge to the bankruptcy petition filed by J&J subsidiary LTL Management, who employed the infamous maneuver known colloquially as the “Texas Two-Step” allegedly in order to dodge a wave of incalculable personal injury lawsuits alleging that its talc-based baby powder causes cancer. Lamken argued on appeal that LTL lacked the financial distress required for a good-

faith bankruptcy petition. The court agreed and ordered the bankruptcy court to dismiss LTL's petition, and the bankruptcy case was dismissed in April 2023 after LTL declined to seek Supreme Court review.

MoloLamken continues to enrich its talent ranks beneath the more senior name partners. New York's **Justin Ellis** earns commendations from his peers, one of whom testifies, "I have partnered with Justin in a series of whistleblower complaints regarding fraudulent commercial mortgage-backed securities. [He's an] excellent, hard-working attorney with a keen intellect and deep knowledge of the substantive area of work, namely securities litigation." New York's **Ben Quarmby** balances commercial and IP matters and is similarly championed by contemporaries. "I'm seeing Ben more and more, he's doing really well in this space," confirms one peer.

EXHIBIT 9



Benchmark Featured US Firm – MoloLamken

13 January 2016

A litigation boutique with offices in New York, Chicago and DC, MoloLamken has quickly become a favorite among the crowded field of litigation shops. The firm earns rave reviews from clients, one of whom testifies, "They mounted a stellar series of arguments that have materially benefited us. Their business model is unique. Partners bill at similar rates to other top-tier firms, but one sees cost-saving since the associates are of a much higher caliber and therefore much more productive. MoloLamken has demonstrated that they are honorable and have elan. If you find yourself the focus of litigation, it is a firm you want in your Rolodex." Another client confirms, "Their work was so exceptional in one matter they handled for me that I expanded their role not only in that case, but added them as counsel in the other pending arbitration as well. In my opinion they are one of the top litigation firms in the US. They have brilliant lawyers, with courtroom savvy and the best brief writing teams you can find." New York figurehead **Steven Molo** is called "an outstanding advocate and fearless in court" by a satisfied client. "He is focused and resolute. He took our case and honored every promise made." Molo represented seven former NFL players who objected to the landmark class-action settlement for players sustaining concussions. He also represents plaintiff investors in 10 pending cases against mortgage originators and other responsible parties involved in residential mortgage backed securities securitizations. Damages at issue in each of the 10 cases range from \$200 million to in excess of \$1.4 billion. In the DC office, **Jeffrey Lamken** earns plaudits for his appellate specialty, which has found him frequently arguing in front of the US Supreme Court on cases spanning a vast spectrum of subject areas.

EXHIBIT 10

THE NATIONAL LAW JOURNAL

An **ALM** Publication

NLJ.COM | November/December 2021

2021 NLJ Awards: Professional Excellence

APPELLATE HOT LIST

MoloLamken

■ **Tell us about your top U.S. Supreme Court or federal appeals court victory over the past year and how you and your team achieved the win.** We

won two Supreme Court victories this year. In *AMG Capital v. Federal Trade Commission*, the Court ended decades of FTC overreach, unanimously rejecting the agency's practice of exacting monetary remedies under a statute that allows only equitable relief. The case marked Mike Pattillo's first Supreme Court argument, offering the bonus of contributing to a new crop of Supreme Court advocates. In *United States v. Arthrex*, the Court agreed with us that administrative patent judges were appointed in violation of the Constitution. In each case, the key to success was thorough, scorched-earth—almost archaeological—research matched to concise prose.

■ **What was your firm's key to appellate success over the past year?** 1) Keep it focused: Connect your arguments to familiar first principles wherever possible.

2) Keep it focused: Use accessible prose that distills complicated issues into a straightforward story.

3) Keep it focused: Prepare meticulously for argument, shoring up weaknesses while emphasizing strengths.



JEFFREY LAMKEN, PARTNER

■ **What is the most satisfying element of appellate practice, in your opinion?** The process of harnessing collective intelligence: Working with a group of brilliant and practical lawyers—including in-house counsel and often multiple firms—to find the perfect way to present the client's case.

■ **What's the most valuable lesson you learned as a young lawyer?** Be kind to everyone. It's the right thing to do. And what goes around comes around. ■

EXHIBIT 11

MoloLamken

2023 TOP LAW FIRM HIGHLIGHTS



#8 BEST MIDSIZE FIRM TO WORK FOR

TOP 150 UNDER 150

PRACTICE AREA

#10 Litigation Boutiques

REGIONAL

#9 New York—Midsize

#10 Chicago—Midsize

MIDSIZE QUALITY OF LIFE

#2 Compensation

#3 Informal Training,
Mentoring & Sponsorship

#3 Quality of Work (*tie*)

#3 Selectivity

#8 Pro Bono

FIRM INFO

430 Park Avenue
New York, NY 10022
(212) 607-8160
www.mololamken.com

LOCATIONS

Chicago, IL • New York, NY •
Washington, DC

MAJOR DEPARTMENTS

Appeals • Arbitrations • Complex
Business Litigation • Intellectual Prop-
erty and Technology • Internal Investi-
gations • Securities Litigation • White
Collar Defense and Investigations

**See firm website for complete list of
practice areas and industries.*

THE STATS

No. of attorneys: 40+

No. of offices: 3

Managing Partners: Steven F. Molo
& Jeffrey A. Lamken

Recruiting Chair: Eric Nitz

EMPLOYMENT CONTACT

careers@mololamken.com

EXCERPTS FROM ABOUT THE FIRM

In a little more than a decade of existence and with just over 40 attorneys, MoloLamken has quickly made a name for itself among the heavy hitters of boutique litigation shops. With offices in three of the country's major metropolises—New York; Chicago; and Washington, DC—MoloLamken's attorneys focus on complex business litigation, white collar criminal defense, and intellectual property.

What Recession?

Superstar attorneys Steven Molo and Jeffrey Lamken took a gamble and left prestigious and well-established BigLaw firms to start their own boutique and did so at a rather perilous moment: in October of 2009, in the midst of the recession. Molo had spent more than five years as a litigation partner at Shearman & Sterling. He'd been a senior litigator and member of the Executive Committee of Winston & Strawn prior to that, and he had begun his career as a prosecutor in Chicago. Meanwhile, Lamken was busy heading the Supreme Court and Appellate Practice at Baker Botts, after serving as an Assistant to the Solicitor General. The two met representing Morgan Stanley during its successful hundred billion-dollar appeal against financier Ron Perelman and bonded over a mutual belief that complex litigation would be more efficiently carried out by eliminating unnecessary overhead. Thus, the small firm with a flexible billing structure—charging clients primarily based upon the results achieved rather than the hours billed—was born.

Molo and Lamken's gamble paid off. Within less than two years, MoloLamken had made its mark, winning six cases in the U.S. Supreme Court and achieving success in other trial and appellate courts. The firm is known for its meticulous attention to detail and for pushing cases toward trial, where its stars can shine. They have represented everyone from Fortune 500 companies to foreign banks, hedge funds, whistleblowers, Wall Street brokers, the former U.S. Attorney General, and foreign governments.

VAULT'S VERDICT

At MoloLamken, only former federal clerks need apply. In fact, the firm does not even have a summer associate program, as it exclusively hires associates out of clerkships or as laterals. And while a clerkship is essential, it won't get you in the door on its own; the firm hires almost exclusively from the T-14, and even then, successful candidates typically come from the top of their class. Those who make it past the hiring hurdles are rewarded with a culture associates describe as "excellent" and "flat," meaning that there is little hierarchy and partners and associates interact as peers. Attorneys at MoloLamken take their work very seriously, but associates say they also know how to have fun. Management is relatively transparent, although associates do not have as much visibility into the firm's finances as they would like. Still, associates feel included and heard by partners almost immediately upon joining the firm, and feel that partners are genuinely invested in their development. Although there is no billable hour requirement, associates are open about the fact that MoloLamken is not a "lifestyle" firm; attorneys work hard across the board, but the amount of autonomy that associates enjoy gives them significant flexibility as compared to other firms. Compensation is above market thanks to extremely generous end-of-year bonuses. The firm does not offer much in the way of formal wellness programming, but associates say the firm's small size renders such programs unnecessary, and wellness is perceived to be a high priority. Training largely occurs on the job, but the firm pays for associates to attend training at the National Institute for Trial Advocacy, as well as external CLEs. Partnership is not only possible, but in most instances it is the expectation. Diversity has come a long way since the firm's founding.

OUR SURVEY SAYS

GETTING HIRED

Hiring Process & Interview Questions

- “There is no requirement to have been at a particular law school or journal, but every associate must have clerked. Every candidate interviews with every lawyer at the firm. There are a set of guidelines and questions to ask, but a big part of the interview process is to find a personality fit.”
- “Candidates will be expected to answer questions about their current job and past work experiences, along with standard behavioral questions. For example, we ask candidates to talk about a time when they had an interpersonal conflict with another colleague and how they handled that conflict.”

Lateral & Clerk Integration

- “Because all new associates have clerked and many have prior experience, integration of laterals and clerk hires is the norm. The firm has done a lot to formalize the onboarding process in the past couple years, including providing more formal training on firm policies and increasing mentorship. Each new hire has a partner and associate mentor. New hires are staffed on a couple matters right away to facilitate integration into teams and access to substantive work right away.”

ASSOCIATE LIFE

Firm Culture

- “The day-to-day firm culture is very collegial and friendly. The culture is flat, so associates and partners interact on a routine basis. Associates interact with staff on an as-needed basis, but in a non-hierarchical way. There is some, but not much, socializing outside of work. Birthdays and other occasions are marked in the office. We also have a yearly firm retreat where we meet on firm matters and socialize in a fun destination.”
- “MoloLamken is a great place to work. Folks take the work very, very seriously, but they also are kind to each other and like to have a good time. The culture is very collegial, but with an emphasis on quality of the work and achieving the best results.”
- “Excellent—somehow they’ve found a rare blend of brilliant, yet well-adjusted lawyers.”

Associate/Partner Relations

- “Partners treat associates with immense respect and value associate opinions. Associates are included in nearly every important discussion on case strategy and often are trusted to make decisions on their own. The distinction between partners and associates is far fuzzier than at most firms. The firm is fairly transparent in financial performance and internal promotion. There are yearly performance reviews and frequent informal reviews and chances for feedback.”
- “Partners get along well with associates and are committed to supporting their professional development. The firm has many young partners who are close in age and tenure to associates.

Feedback is given frequently. I recently had a partner sit down with me for over an hour discussing feedback on a brief we worked on together.”

Hours & Compensation

- “This is not a lifestyle firm. While there is no billable minimum, most attorneys bill over 2,000 hours per year. With that said, most attorneys also have family or other commitments outside of work, and partners and associates are open about structuring their work day around those commitments. Because of the flat structure of the firm and associate’s ownership over their assignments, there are many fewer fire drills at MoloLamken than at a traditional BigLaw firm, which results in a big difference in quality of life.”
- “A significant portion of the compensation is from an end-of-year bonus. The bonus is not tied to billable hours or individual performance, and the bonus ends up equalizing total compensation to slightly above market scale for New York BigLaw. There is no billable hour target to receive extra bonuses.”
- “MoloLamken pays above-market compensation every year.”

Quality of Work

- “Incredibly interesting range of work. One of the few places where you’ll be able to work on a variety of litigation matters—from white collar work to appeals—with great opportunities in all areas.”
- “I could not be happier with the nature of my assignments. I have opportunities that many partners at other firms do not have. I argue motions, examine witnesses at trial, draft entire motions and briefs, negotiate with opposing counsel, and help manage client relationships. Nearly all my work is far above my ‘level.’”

Training, Mentoring & Career Outlook

- “Attorneys at all levels are invested in mentorship and training, but as a smaller firm, most of that training takes place on the job. The firm does send all associates to NITA training for depositions and trials in their first year, which is a tremendous resource.”
- “The firm promotes partners from within. It hires associates with the expectation that they will be partners, and it sees that commitment through. The model and development are all built around this, and it pays dividends.”

PRO BONO & DIVERSITY

- “The firm is deeply committed to pro bono work. Associates can suggest ideas for pro bono projects or accept assignments from the U.S. Court of Appeals for the Seventh Circuit. Several of my colleagues are involved in an exciting pro bono trial.”
- “As an Asian and LGBT lawyer, I’m impressed by the firm’s commitment to hiring and developing diverse associates. The firm is also committed to supporting lawyers with young children. Many of our senior associates have young children and several were recently promoted to partner.”

EXHIBIT 12

CRAIN'S CHICAGO BUSINESS

Law

Lawyer returns to MoloLamken after stint as Justice Department adviser

By Corli Jay



Eric Posner

February 27, 2024 01:23 PM

A lawyer who served as a federal counsel on antitrust law has returned to law firm MoloLamken.

Eric Posner, former counsel to the assistant U.S. attorney general for the Justice Department's antitrust division from 2022 to 2023, has returned to the firm as counsel, [according to its website](#).

"Eric is a one-of-a-kind talent one of the most respected legal minds in the world," MoloLamken co-founder and Partner Jeffrey Lamken said in a statement. "The depth and range of his experience and knowledge are truly special. We're fortunate to work with him again."

Posner worked as of counsel for the firm from August 2018 to December 2021, [according to his LinkedIn profile](#). He is the Kirkland & Ellis Distinguished Service Professor of Law at the University of Chicago Law School and has written more than a dozen books.

Formerly a teacher at the University of Pennsylvania Carey Law School, Posner also worked as an attorney adviser in the Office of Legal Counsel at the Justice Department and is a fellow of the American Academy of Arts & Sciences.

In addition to Chicago, MoloLamken has offices in New York and Washington, D.C.



By Corli Jay

Corli Jay was a general assignment reporter for Crain's Chicago Business.

EXHIBIT 13



Steven F. Molo

Steven Molo, one of the country's leading courtroom advocates, is a founding partner of the national litigation boutique MoloLamken LLP. He represents corporations, boards, funds, investors, inventors, and individuals in complex business litigation, white collar criminal matters, and IP litigation. His client base is international.

Chambers and Partners calls him "fantastic in the courtroom," a "fabulous courtroom litigator who lights up the room with his presence," "very bright, imaginative, and creative in his approach to problems," and "one of the most talented lawyers in the (New York) city." He's one of 34 individuals named to their National Trial Lawyers listing; they say, "he's amazing in court," "a very creative trial lawyer with lots of charisma," who "brings a lot of credibility to a case."

Benchmark Litigation—which named him one of the top 100 Trial Lawyers in America—calls him "revered," "an outstanding advocate and fearless in court," who "delivers the goods."

Legal 500 includes Mr. Molo on its elite list of Leading Trial Lawyers and calls him "a force to be reckoned with," "a rockstar litigator; a great lawyer," with "terrific knowledge of the courts and the law," who "really excels in the courtroom." It says he is "smart, creative, responsive, knowledgeable, and engaging; he has an excellent mix of traits that set him apart from his peers." For the past fifteen years he has been named to *Lawdragon's* list of the 500 Leading Lawyers in America.

Mr. Molo began his career as a prosecutor in Chicago, and then practiced with Winston & Strawn, where he was a senior litigator and member of the firm's Executive Committee. He spent five years as a litigation partner with the Wall Street firm Shearman & Sterling before founding MoloLamken in October 2009. He is a solicitor on the Roll of Attorneys of the Law Society of England and Wales. He is also an Honorary Bencher of the Honourable Society of the Middle Temple.

Representative Matters

- Health care providers in a nationwide Sherman Act Section One class action against the dominant manufacturers and distributors of syringes and catheters
- A senior executive of a Japanese manufacturing company in a price-fixing investigation conducted jointly by USDOJ and the JFTC
- The nation's largest owner of residential real estate brokerage brands in defending a federal antitrust class action
- A nationwide class of purchasers of FICO credit scores alleging Sherman Act Section One and Section Two claims
- The nation's largest bar review course provider in a civil antitrust class action alleging a price-fixing and market allocation conspiracy and a separate civil antitrust class action alleging product tying
- A publicly traded insurance broker in multiple consumer class actions alleging civil antitrust and RICO violations, as well as Attorney General and insurance regulatory investigations
- A midwest manufacturing company in a DOJ grand jury investigation into price-fixing in the market for certain building supplies
- A brand name pharmaceutical manufacturer in defending a Sherman Act Section One class action brought by retail pharmacies
- A former Foreign Service Officer and West Point graduate in a federal criminal jury trial on charges of bribery and conspiracy to facilitate the issuance of visas in violation of State Department policies
- The former CFO of a publicly traded technology company in a federal criminal jury trial and regulatory and civil proceedings based on alleged securities and accounting fraud
- A major broker-dealer in a civil jury trial in which a hedge fund claimed fraud in the sale of collateralized mortgage obligations
- An entertainment company in a lengthy arbitration involving allegations of 10b-5 violations and other claims following an acquisition
- A class of stockholders of an oil transportation company in the impending jury trial of a 10b-5 action
- The former Speaker of the New York Assembly in a federal criminal jury trial on charges of public corruption
- A prominent doctor in a federal criminal jury trial on charges of health care fraud



Steven F. Molo

Representative Matters, *continued*

- A manufacturer of animal health vaccines in a trial concerning a patent licensing dispute
- An activist investor in a bench trial in Delaware bankruptcy court concerning equity rights
- A senior financial services executive in a federal criminal jury trial on charges of perjury and obstruction of justice
- An institutional bond holder in a trial defending tort and contract claims arising from the purchase of \$250 million in second lien notes of a distressed media company
- The world's largest insurance broker in a civil jury trial concerning senior executive compensation
- A CEO in numerous shareholder and derivative actions, parallel SEC proceedings, and a trial relating to allegations of fraud and breach of fiduciary duties following the discovery of accounting irregularities
- Investors in residential mortgage-backed securities trusts in a hearing to determine the distribution of a \$9 billion settlement among various classes of bondholders
- Several former NFL players in objecting to the fairness of the class action settlement of the "Concussion Litigation"
- A private Silicon Valley technology company in a bench trial against one of the world's largest banks based on events arising from an M&A transaction
- Stockholders of a consumer products company in a trial seeking appointment of an equity committee in proceedings before the Bankruptcy Court in Delaware
- An investor seeking recovery of \$800 million in losses on a "holder claim" based on decline in stock value of one of the world's largest banks during the financial crisis
- A developer of electric power plants in a theft of trade secrets trial in the New York Supreme Court Commercial Division
- The former CEO of a European auto manufacturer in connection with a DOJ investigation of U.S. environmental laws
- An activist investor in connection with a challenge to the corporate governance of one of the largest transportation companies in the United States
- Several trustees and investors in residential mortgage-backed securities trusts in a series of suits to recover for the diminution in the value of the trust as a result of the conduct of the parties originating the mortgage loans
- An Israeli pharmaceutical manufacturer in prosecuting a \$4+ billion claim for fraud and breach of contract based on its acquisition of a Mexican company
- A publicly traded media company in litigation relating to a \$1.8 billion debt restructuring
- Directors of a consumer products company in defending a challenge to a \$900 million dividend paid to a private equity investor
- A former CEO and private equity firm partner in obtaining dismissal of a federal indictment charging securities and bank fraud as well as obstruction of agency proceedings
- A Tokyo private equity firm in a dispute with the former employer of the firm's founders concerning competitive restrictions
- The holder of several patents relating to website construction in a series of cases against infringers
- A private equity firm in challenging an injunction limiting competitive activity of a portfolio company and its key executives
- An Asian government in litigation in the United States and United Kingdom relating to an arbitral award based on a dispute concerning the construction of a power plant and development of a mine
- Several groups in successfully challenging New York City's ban on super-sized sugary drinks
- A former pharmaceutical executive in prosecuting a whistleblower claim
- A former CEO of a publicly traded retailer in defending criminal securities fraud charges



Steven F. Molo

Representative Matters, *continued*

- A former managing director of a leading investment bank in defending criminal securities fraud charges related to the sale of derivatives
- A global consulting firm in investigating a senior executive's misconduct
- A CEO of a leading financial services firm in a dispute with a former firm member concerning investments
- A private equity firm in a lawsuit over post-closing purchase price adjustments in connection with the sale of a portfolio company
- A leading insurance company in investigating fraud by a major vendor and related civil litigation
- A Fortune 500 company in prosecuting a legal malpractice case against an Am Law 50 firm
- A CDO management firm in connection with civil litigation and regulatory matters emanating from the global financial crisis
- An investment bank in obtaining judgment in its favor and the reversal of a \$1.6 billion jury verdict in a suit alleging fraud in connection with its role in a corporate acquisition
- A hedge fund in a suit in the Delaware Chancery Court challenging a gate and proposed restructuring of another fund in which it invested
- A leading real estate developer and its lender in a bench trial relating to a dispute with a major tenant
- A lending syndicate in defending multi-billion dollar tort claims and in prosecuting a personal guaranty action against a prominent real estate developer (and reality TV show host) relating to financing of a 92-story building in Chicago
- Two non-U.S. financial institutions in connection with recovery actions and the defense of claims relating to Madoff
- The Illinois Senate relating to procedures for the impeachment trial of the Governor
- A non-U.S.-based insurance holding company in SEC and DOJ investigations into balance sheet fraud through finite reinsurance
- A New York real estate developer in investigating and reporting a Ponzi scheme fraud perpetrated by the client's former lawyer, the name partner of a prominent New York firm
- A senior mutual fund executive in an investigation by the SEC and New York Attorney General
- A midwest manufacturing company in an internal investigation and defense of an SEC investigation relating to insider trading
- A national insurance company in defending a federal grand jury investigation, state regulatory inquiries, consumer class actions, whistle-blower allegations, and media scrutiny emanating from claims handling practices following a major natural disaster
- A national retailer in attempted nationwide consumer fraud class actions in multiple forums and Attorney General investigations
- A national publisher and sweepstakes company in an appeal of a class certification order in an attempted consumer class action
- A group of mortgage lenders in an appeal of an order challenging certain lending restrictions
- A major broker-dealer in an appeal in litigation relating to sales practices that resulted in a challenge to certain whistle-blower legislation
- A majority shareholder of a public company in shareholder derivative litigation relating to Revlon duties and change of control
- An investment advisor and mutual fund company in a derivative suit alleging breaches of fiduciary duty relating to fund management
- A global pharmaceutical manufacturer in a federal grand jury investigation and civil litigation emanating from a foreign subsidiary's falsification of information to the FDA
- An internet telephone services provider in patent infringement litigation relating to the company's core technology



Steven F. Molo

Representative Matters, *continued*

- A holder of patents related to the manufacture of clothing in an ITC action to block importation of infringing products
- A gaming company in defending allegations of trademark and trade dress infringement in injunction proceedings in the trial court
- A manufacturer of batteries in pursuing copyright, trademark, and trade dress claims relating to a well-known advertising campaign
- A rock star in defending copyright infringement allegations in the trial court and court of appeals
- A major political party in a trial before a three-judge federal district court relating to voter rights and legislative reapportionment issues

Education

University of Illinois, College of Law, J.D.

University of Illinois, College of Communications, B.S.

Honors & Awards

Recognized by peer and client review for inclusion in *The Best Lawyers in America* (New York: commercial litigation, white collar defense, appeals), *Chambers USA*, *Super Lawyers*, *Euromoney's Guide to the World's Leading White Collar Crime Lawyers*, *Leading Attorneys* (business litigation, white collar criminal defense, antitrust, appeals), *Who's Who in America*, *Who's Who in the Law*, and *Who's Who in Business and Finance*

Named to the *Lawdragon* 500 Leading Lawyers in America, *Benchmark Litigation* Top 100 Trial Lawyers in America, and *Legal 500* Leading Trial Lawyers.

Professional Affiliations

American Inns of Court Foundation, Trustee

United States Supreme Court Historical Society, Trustee

New York Inn of Court, Member (Past Vice President, Executive Committee)

Federal Bar Foundation, Trustee

Illinois Supreme Court Rules Committee, Member (2004-2010)

Seventh Circuit Bar Association (Past President)

Federal Bar Council, Member (Courts Committee)

Chicago Inn of Court, Member (Past President)

American, Illinois, and Chicago Bar Associations, Member

American Bar Association, Trial Attorney Advisory Board, Member

American Bar Foundation, Life Fellow

Association of the Bar of the City of New York, Member

COMBAR, Honorary Member

Scribes, The Society of Legal Writers, Member

Economic Club of Chicago, Commercial Club of Chicago, Theodore Roosevelt Association, Member

University of Illinois College of Law Board of Visitors, Member



Steven F. Molo

Books

Corporate Internal Investigations (Co-author)

Your Witness: Lessons on Cross-Examinations and Life (General Editor and Author)

Executive's Guide to Understanding the Laws Behind White Collar Crimes (Chapter Author)

Successful Partnering Between Inside and Outside Counsel (Chapter Author)

The Appellate Lawyer's Manual

The Executive's Desk Book on Corporate Risks and Response for Homeland Security (Chapter Author)

The Litigation Manual, 2nd ed.

Recent Articles

Taking an important case to trial: jury research, The In-House Lawyer (Fall 2023)

Taking an Important Case to Trial, Disputes Yearbook (Spring 2023)

The Justices' Divergent Views on Class Action Tolling, Law360 (Mar. 30, 2018) (with Michelle Parthum)

Brady Summaries and the Obligation to Disclose Favorable Evidence, 13 Crim. Litig. 10 (2012) (with Lucas M. Walker)

Wrong, Maybe. But Is It a Crime?, Hedgeweek (Sept. 10, 2008)

Find a Career, Not a Job, N.Y.L.J. Mag. (May 2008)

To Fight or Not to Fight, N.J.L.J. (July 23, 2007)

EXHIBIT 14



Eric Posner

Eric Posner is a renowned legal scholar whose research interests include financial regulation, antitrust law, and contract law. He is the Kirkland and Ellis Distinguished Service Professor of Law at the University of Chicago Law School and the Arthur and Esther Kane Research Chair. He served as Counsel to the Assistant Attorney General for the Antitrust Division of the Justice Department from 2022 to 2023.

Mr. Posner is a prolific writer and has authored more than a dozen books and a hundred articles. His most recent books include *Radical Markets* (Princeton, 2018) (with Glen Weyl), which was named a book of the year by *The Economist* in 2018, and *Last Resort: The Financial Crisis and the Future of Bailouts* (University of Chicago Press, 2018), which was named a book of the year by *The Financial Times* in 2018. He has testified before Congress and government agencies, including the Federal Trade Commission. He has written op-eds and essays for *The New York Times*, *The Wall Street Journal*, and other media.

In addition, Mr. Posner is fellow of the American Academy of Arts and Sciences and a member of the American Law Institute. He was named to the *Lawdragon* 500 Leading Lawyers in America in 2019 and 2020, and to the *Bloomberg* 50 in 2018.

Prior to joining the University of Chicago, Mr. Posner taught at the University of Pennsylvania Law School and prior to that worked as Attorney Adviser in the Office of Legal Counsel at the U.S. Department of Justice. Mr. Posner served as a law clerk to the Honorable Stephen F. Williams of the United States Court of Appeals for the D.C. Circuit.

Clerkships

Law clerk to the Honorable Stephen F. Williams, United States Court of Appeals for the D.C. Circuit

Education

Harvard Law School, J.D., *magna cum laude*

Yale University, B.A., M.A., *summa cum laude*

Representative Matters

- A monoline insurer in contract and tort case against bond trustee
- Defended Medicare Advantage provider network against competitor's application for injunction prohibiting market entry
- A putative class of medical products purchasers in antitrust suit against medical device manufacturer and distributors
- Leading Antitrust Scholars as Amici Curiae in *Apple v. Pepper* before U.S. Supreme Court

EXHIBIT 15

CURRICULUM VITAE

Eric A. Posner

May 2025

Address University of Chicago Law School
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Chicago, IL 60637
(773) 702-0425
eposner@uchicago.edu

Professional Experience

2013-present	Kirkland & Ellis Distinguished Service Professor of Law, University of Chicago
Fall 2024	Visiting Professor, Yale Law School
2022-2023	Counsel to the Assistant Attorney General, Antitrust Division, Department of Justice
Fall 2016	Visiting Professor, Columbia Law School
2003-2012	Kirkland & Ellis Professor of Law, University of Chicago
Fall 2008	Visiting Professor, NYU Law School
1998-2003	Professor of Law, University of Chicago
1998	Professor of Law, University of Pennsylvania
Fall 1997	Visiting Assistant Professor of Law, University of Chicago
1993-1998	Assistant Professor of Law, University of Pennsylvania
1992-1993	Attorney Adviser, Office of Legal Counsel, U.S. Department of Justice
1991-1992	Law Clerk, Judge Stephen F. Williams, U.S. Court of Appeals, D.C. Circuit

Books

Law and Social Norms: Harvard University Press (2000)
Japanese edition (Bokutakusha, 2002)
Chinese edition (China University of Political Science and Law Publishing House, 2005)
Taiwanese edition (Angle Publishing Company, 2006)
South Asia edition (Universal Law Publishing Company, 2009)

Chicago Lectures in Law and Economics (editor): Foundation Press (2000)

Cost-Benefit Analysis: Legal, Philosophical, and Economic Perspectives (editor, with Matthew Adler): University of Chicago Press (2001)

The Limits of International Law (with Jack Goldsmith): Oxford University Press (2005)
Chinese edition (Law Press of Beijing)
Macedonian edition

New Foundations of Cost-Benefit Analysis (with Matthew Adler): Harvard University Press (2006)
Arabic edition (Institute of Public Administration, Saudi Arabia, 2010)

Terror in the Balance: Security, Liberty and the Courts (with Adrian Vermeule): Oxford University Press (2007)

Social Norms, Nonlegal Sanctions, and the Law (editor): Edward Elgar (2007)

The Perils of Global Legalism: University of Chicago Press (2009)
Chinese edition (Law Press China, 2016)

Climate Change Justice (with David Weisbach): Princeton University Press (2010)

- Korean edition (Sogan Hawoo, 2016)
- Law and Happiness (editor, with Cass R. Sunstein): University of Chicago Press (2010)
- The Economics of Public International Law (editor): Edward Elgar (2010)
- The Executive Unbound: After the Madisonian Republic (with Adrian Vermeule): Oxford University Press (2011)
German edition (Duncker & Humblot, 2014)
- Contract Law and Theory: Aspen (2011)
Second edition (2016)
- Economic Foundations of International Law (with Alan Sykes): Harvard University Press (2013)
Georgian edition (Labyrinth Publishing House, 2014)
Persian edition (Hoosheedar Legal Publication, forthcoming)
- The Twilight of Human Rights Law: Oxford University Press (2014)
Excerpt republished in Harper's, October 2014
- Last Resort: The Financial Crisis and the Future of Bailouts: University of Chicago Press (2018)
Chinese edition (Truth and Wisdom Press, 2022)
A Financial Times Book of the Year, 2018
- Radical Markets: Uprooting Property and Democracy for a Just Society (with E. Glen Weyl): Princeton University Press (2018)
Korean edition (Bookie Publishing House)
Japanese edition (Toyo Keizai)
Chinese edition (Beijing Huazhang Graphics and Information Co. Ltd.)
Spanish edition (Antoni Bosch, 2019)
Brazilian edition (Companhia das Letras)
German edition (WBG, 2019)
Chinese (complex) edition (Gusa Press)
Italian edition (LUISS University Press)
Paperback edition, 2019
An Economist Book of the Year, 2018
- The Demagogue's Playbook: All Points Books (2020)
Chinese edition (Truth and Wisdom Press)
- How Antitrust Failed Workers: Oxford University Press (2021)
Chinese edition (Ghezi Press, forthcoming)

Articles and Book Chapters

- Contract Law in the Welfare State: A Defense of Usury Laws, the Unconscionability Doctrine, and Related Limitations on the Freedom to Contract, 24 J. Legal Stud. 283 (1995)
- The Regulation of Groups: The Influence of Legal and Nonlegal Sanctions on Collective Action, 63 U. Chi. L. Rev. 133 (1996)
- Law, Economics, and Inefficient Norms, 144 U. Pa. L. Rev. 1697 (1996)
- The Legal Regulation of Religious Groups, 2 Legal Theory 33 (1996)

Altruism, Status, and Trust in the Law of Gifts and Gratuitous Promises, 1997 Wisc. L. Rev. 567 (1997)

The Political Economy of the Bankruptcy Reform Act of 1978, 96 Mich. L. Rev. 47 (1997) (reprinted in part in Bankruptcy Anthology (Charles J. Tabb ed., 2001))

The Parol Evidence Rule, the Plain Meaning Rule, and the Principles of Contractual Interpretation, 146 U. Pa. L. Rev. 533 (1998)

Symbols, Signals, and Social Norms in Politics and the Law, 27 J. Legal Stud. 765 (1998) (reprinted in Law and Economics (Nicholas Mercuro ed., Routledge Press 2007); Foundations of Law and Economics (Robert Cooter & Francesco Parisi eds., Edward Elgar 2010))

The Strategic Basis of Principled Behavior: A Critique of the Incommensurability Thesis, 146 U. Pa. L. Rev. 1185 (1998)

The Demand for Human Cloning, in Clones and Clones: Facts and Fantasies About Human Cloning (Martha C. Nussbaum and Cass R. Sunstein eds.): W.W. Norton (1998) (with Richard A. Posner) (Reprinted, with a postscript, in 27 Hofstra L. Rev. 579 (1999))

A Positive Theory of Chapter 11, 74 NYU Law Rev. 161 (1999) (with Kevin A. Kordana)

The Decline of Formality in Contract Law, in The Fall and Rise of Freedom of Contract (Frank Buckley ed.): Duke University Press (1999)

Family Law and Social Norms, in The Fall and Rise of Freedom of Contract (Frank Buckley ed.): Duke University Press (1999)

Shaming White Collar Criminals under the Federal Sentencing Guidelines, 42 J. Law & Econ. 365 (1999) (With Dan M. Kahan)

Arbitration and the Harmonization of International Commercial Law: A Defense of *Mitsubishi*, 39 Va. J. Inter'l Law 647 (1999)

Should Debtors Be Forced into Chapter 13?, 32 Loyola of Los Angeles L. Rev. 965 (1999)

A Theory of Customary International Law, 66 U. Chi. L. Rev. 1113 (1999) (with Jack L. Goldsmith)

Rethinking Cost-Benefit Analysis, 109 Yale L.J. 165 (1999) (with Matthew Adler) (Reprinted in part in Jurisprudence: Contemporary Readings, Narratives, and Problems (Robert Hayman et al. ed., 2d ed. 2002))

Contract Remedies: Foreseeability, Precaution, Causation, and Mitigation, in The Encyclopedia of Law and Economics (Boudewijn Bouckaert and Gerrit De Geest eds., Edward Elgar 2000)

A Theory of Contract Law Under Conditions of Radical Judicial Error, 94 Nw. U. L. Rev. 749 (2000)

Understanding the Resemblance Between Modern and Traditional Customary International Law, 40 Va. J. Int'l Law 639 (2000) (with Jack L. Goldsmith), excerpted in Edward M. Wise, International Criminal Law: Cases and Materials (3d ed. 2009)

Implementing Cost-Benefit Analysis When Preferences Are Distorted, 29 J. Legal Stud. 1105 (2000) (with Matthew Adler)

Introduction to the Conference on Cost-Benefit Analysis, 29 J. Legal Stud. 837 (2000) (with Matthew Adler)

Agency Models in Law and Economics, in *Chicago Lectures in Law and Economic* (Eric A. Posner ed., 2000), reprinted in *Game Theory and the Law* (Eric B. Rasmussen ed., 2007)

The Design and Interpretation of Contracts: Why Complexity Matters, 95 Nw. U.L. Rev. 91 (2000) (with Karen Eggleston and Richard Zeckhauser)

Law and Social Norms: The Case of Tax Compliance, 86 Va. L. Rev. 1781 (2000), excerpt reprinted in *Tax Controversies: Practice and Procedure* (forthcoming)

Cost-Benefit Analysis as a Solution to a Principal-Agent Problem, 53 Admin. L. Rev. 289 (2001)

Law and the Emotions, 89 Georgetown L.J. 1977 (2001), reprinted in *Law and Neuroscience* (Owen D. Jones, Jeffrey D. Schall, and Francis X. Shen, eds., Wolters Kluwer, 2nd ed. forthcoming)

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Committee on the Judiciary, Subcommittee on Antitrust, Commercial, and Administrative Law, U.S. House of Representatives: [Reviving Competition, Part 4: 21st Century Antitrust Reforms and the American Worker](#), September 28, 2021

Department of Justice and Federal Trade Commission Workshop on Draft Merger Guidelines, University of Chicago Law School, November 3, 2023

Education

Harvard Law School. J.D., magna cum laude, 1991

Yale University. B.A., M.A. in philosophy, summa cum laude, 1988

Professional Organizations

Maryland Bar Association (admitted 1991)

Illinois Bar Association (admitted 2018)

American Law and Economics Association (board member, various times)

American Law Institute

Grants, Fellowships, and Awards

John M. Olin fellowship, University of Southern California (3/95)

University Research Foundation grant, University of Pennsylvania (6/96)

Olin Fellow, University of Virginia Law School (9/02)

Simon Visiting Scholar, Florida State University College of Law (3/18/04)

Fellow, American Academy of Arts and Sciences (elected 2010)

Sloan Grant for Conference on Benefit-Cost Analysis and Financial Regulation (2013) (with Glen Weyl)

Economist Book of the Year, for *Radical Markets* (2018)

Financial Times Book of the Year, for *Last Resort* (2018)

Bloomberg 50, for *Radical Markets* (2018)

Antitrust Writing Award, for Antitrust Remedies for Labor Market Power (2019)

American Antitrust Institute Jerry S. Cohen Memorial Fund Writing Award, for Antitrust Remedies for Labor Market Power (2019)

Lawdragon 500 Leading Lawyers in America (2019, 2020)

Teaching

Contracts; Secured Transactions; Bankruptcy; Corporate Reorganization; Seminar on Contract Theory; Seminar on Game Theory and the Law; Employment and Labor Law; Public International Law; International Human Rights Law; Foreign Relations Law; International Law Workshop; European Union Law; Seminar on the Financial Crisis of 2008-2009; Banking Law; Financial Regulation; Seminar on the Federal Reserve Board; Seminar on Executive Power; Seminar on Originalism and Its Critics; Corporate Finance

Other Professional Activities

Counsel, MoloLamken (2018-2021; 2024-)

Counsel, Boies, Schiller & Flexner (2010-2016)

Cofounder and editor, New Rambler Review (2015-2017)

Member (elected 2014), Council Member (elected 2021); American Law Institute

Columnist, Slate Magazine (2012-2016)

Editor, Journal of Legal Studies (1998-2010)

Adviser, Restatement (Third) of Restitution, American Law Institute

Referee for Journal of Law and Economics, Journal of Economic Literature, Oxford University Press, Harvard University Press, Edward Elgar, Quarterly Journal of Economics, National Science Foundation, Law and Social Inquiry, American Economic Review, Journal of Law, Economics, & Organization, American Law and Economics Review, International Review of Law and Economics, American Journal of Political Science, Law and Society Review, Journal of Policy Analysis and Management, Journal of the European Economics Association, Health Affairs, University of Chicago Press, Canada Council for the Arts, World Politics, Supreme Court Economic Review, Law and Philosophy, Ethics and International Affairs, Institute of Medicine, Israel Science Foundation, Conflict Management and Peace Science, Smith Richardson Foundation, Yale University Press, Hart Publishing, Journal of Peace Research, British Journal of Political Science, National Academy of Sciences, Social Theory and Practice, Politics, Philosophy and Economics, Journal of Global Ethics, Climate Policy, Political Science Quarterly, Journal of Benefit-Cost Analysis, Journal of Legal Analysis, European Journal of International Law, Antitrust Law Journal, Journal of Antitrust Enforcement

Member, Editorial Board, Law & Social Inquiry (2000-2001)

Member, Board of Directors, American Law and Economics Association (2000-2003; 2013-2016)

Member, Board of University Publications, University of Chicago (2001-2004)

Member, Editorial Board, Review of Law and Economics (2004-)

Member, Oxford University Press Legal Education Advisory Board (2006-)

Member, Editorial Board, Journal of Benefit-Cost Analysis (2009-)

Short-Term Consultant, World Bank (2007)

Participant in Simulated Canada-United States Negotiation Over the Northwest Passage, sponsored by ArcticNet (Ottawa, February 2008)

Member, Faculty Steering Committee, Milton Friedman Institute (2008-2010)

Member, International Advisory Board, the Centre for Law, Economics and Society, University College London (2013-)

Member, Editorial Board, Economic Analysis of Law Review (2014-)

Sympatic Inc., Advisory Board (2019-)

Member, Committee on International Relations, University of Chicago (2003-)

Consulting Relationships (since 2020)

Le v. Zuffa (2024). Provided expert report supporting a proposal to settle a lawsuit brought by employees of mixed martial arts league against their employer. Retained by Berger Montague, attorney for plaintiffs.

Department of Justice (2024). Advised on investigation of a potential merger between two entertainment-related entities. The facts are confidential.

Sona Asset Management (2024). Advised financial institution about legal issues in Tapestry/Capri merger litigation.

Ford Motor Co. (2021-2022). Advised automobile manufacture on antitrust strategy relating to distribution.

Difederico v Amazon.com, Inc. et al., No. T-445-20 (Federal Court, Canada) (2021). Advised on arbitration issues relating to class action lawsuit against Amazon in Canada. Served as expert; retained by Orr Taylor LLP and Strosberg Sasso Sutts LLP.

Latham & Watkins (2020). Advised law firm on draft commercial code for proposed foreign development zone in Middle East.

EXHIBIT 16



Jennifer Fischell

Jennifer Fischell is a partner who advises clients in high-stakes matters through all the stages of litigation, from pre-litigation advice through merits briefing at the Supreme Court of the United States. Ms. Fischell has particular experience working on complex legal issues and appeals. Her trial-through-appeal perspective allows her to craft creative, persuasive, and winning arguments.

MoloLamken's matters regularly involve cutting-edge business, regulatory, statutory, and constitutional questions. Clients rely on Ms. Fischell for the deep thinking that such cases require. Her thorough and creative analysis regularly drives strategy in cases in state and federal court, bankruptcy court, arbitration, and before agencies like the International Trade Commission.

Ms. Fischell's practice deals with a wide range of subject areas, including novel issues in administrative law, business and contract disputes, securities law, bankruptcy, antitrust, white collar defense, and energy law. Ms. Fischell also frequently litigates complex patent matters in the Federal Circuit worth hundreds of millions of dollars.

In 2024, Ms. Fischell's excellent work resulted in her being named a *Benchmark Litigation 40 & Under Litigator*. She was also appointed as a board member for Law360's Editorial Advisory Boards related to appeals and energy law in 2023 and 2024, respectively.

Ms. Fischell's approach to shaping arguments benefits from her time clerking for judges at all levels of the federal judiciary. Most recently, she clerked for Justice Elena Kagan of the United States Supreme Court. She also clerked for Judge Raymond Kethledge of the United States Court of Appeals for the Sixth Circuit and Judge Ronnie Abrams of the United States District Court for the Southern District of New York.

Representative Matters

- Successfully represented petitioners before the Supreme Court in a case addressing whether Section 13(b) of the Federal Trade Commission Act authorizes the Commission to seek monetary remedies; overturned \$1.27 billion judgment (*AMG Cap. Mgmt., LLC v. FTC*, 141 S. Ct. 1341 (2021))
- Represented law professors specializing in constitutional law and criminal procedure in merits-stage amicus brief before the United States Supreme Court (*Borden v. United States*, 141 S. Ct. 1817 (2021))
- Defended regional transmission organization against claims seeking payment for wholesale electricity services beyond the rates permitted by a federal tariff (*Old Dominion Elec. Coop. v. PJM Interconnection, LLC*, 24 F.4th 271 (4th Cir. 2022))
- Obtained vacatur of lower court dismissal on behalf of putative class of purchasers of medical products in antitrust suit before the Seventh Circuit (*Marion HealthCare, LLC v. Becton Dickinson & Co.*, 952 F.3d 832 (7th Cir. 2020))
- Represented developer of secure-communications technology in Federal Circuit patent appeal (*VirnetX Inc. v. Apple Inc.*, 792 F. App'x 796 (Fed. Cir. 2019))
- Represented a municipality and its employees in support of their petition for a writ of certiorari to the Sixth Circuit in the United States Supreme Court
- Represented federal agency before the Fifth Circuit in cases involving the effect of bankruptcy on the agency's regulatory authority over filed tariff rates
- Represented a major biopharmaceutical company in support of its petition for a writ of certiorari to the Federal Circuit in the United States Supreme Court
- Represented a major technology company on appeal to the Federal Circuit in case involving patent standing issues
- Represented a major pension fund and putative class of investors in a securities-fraud suit against an oil and gas company on appeal before the Fifth Circuit
- Represented a telecommunications company on appeal before the Federal Circuit, defending the grant of preliminary injunctive relief in case involving a global licensing dispute
- Represented foreign and domestic respondents in an International Trade Commission investigation into alleged patent infringement
- Represented an animal pharmaceutical company in arbitration over breach of a licensing contract
- Represented a fraud victim, both as a witness in criminal proceedings and in conjunction with civil claims



Jennifer Fischell

Publications

Supreme Court Hints Nuclear Regulatory Body Can Issue Licenses, Bloomberg Law (June 23, 2025) (with Elizabeth Clarke and Christian Bale)

Tackling Complex Records on Appeal: Where to Begin?, ABA Appellate Practice Newsletter (Feb. 1, 2025)

Nuclear Waste Storage Questions Justices May Soon Address, Law360 (Sept. 13, 2024) (with Elizabeth Clarke and Christian Bale)

A New Twist on Capacity Markets in Japan, RTO Insider (June 16, 2024)

There and Back Again: The D.C. Circuit Again Considers NYISO's Approach to Zero-Emission Mandate, RTO Insider (Mar. 28, 2024) (with Jackson Myers)

Steady, but Slow: Understanding and Navigating Delay in Federal Court, ABA Appellate Practice Newsletter (Mar. 14, 2024) (with Jackson Myers)

"Major Question" about the Future of the Administrative State, American Bar Association, Appellate Practice Committee (Sept. 22, 2023)

In Antitrust Cases, Recent DOJ Losses Don't Tell the Whole Story, AmLaw Litigation Daily (July 13, 2023) (with Thomas Schubert)

Chevron Still Has Power (For Now): The DC Circuit Defers to FERC in Recent Ruling, National Law Journal (Feb. 21, 2023) (with Lucas Walker)

An Antitrust Law Update Looms in President Biden's First Term, National Law Journal (Jan. 27, 2021)

Antitrust Rules Still Apply During COVID-19, Law360 (March 27, 2020)

Clerkships Never Get Old: Why the Federal Clerk Hiring Plan Benefits Recent Grads, National Law Journal (Feb. 20, 2020)

Note, Standing in the Way of the FTAIA: Exceptional Applications of Illinois Brick, 114 Mich. L. Rev. 309 (2015)

News & Appearances

5th Circ. Questions \$37M FTC Award Against Online Retailer, Law360 (Apr. 1, 2025)

6th Circ. Won't Revisit FCC's Tanked Net Neutrality Rules, Law360 (Mar. 11, 2025)

Federal Courts Grapple with Implications of Loper Bright, ABA Litigation News (Winter 2025)

6th Circ. Overturns FCC Net Neutrality Rules, Law360 (Jan. 2, 2025)

The next frontier in the Supreme Court war against agency power, E&E News (Sept. 10, 2024)

Congress Didn't Want Utility-Style Internet Regs, 6th Circ. Told, Law360 (Aug. 13, 2024)

6th Circ. Puts Net Neutrality Rule On Ice During Appeals, Law360 (Aug. 1, 2024)

FCC, Industry Debate If Brand X Case Set Broadband In Stone, Law360 (July 22, 2024)

Law360 Announces The Members Of Its 2024 Editorial Board, Law360 (Mar. 20, 2024)

Versata Wants Axed \$105M Ford Verdict Revived Or Expanded, Law360 (Mar. 13, 2024)

DC Circ. Probes Gov't Trial Strategy For Ex-HUD Official, Law360 (Mar. 11, 2024)

AT&T, Nokia Turn To 1884 Precedent To Fight \$181M Trial Loss, Law360 (Feb. 13, 2024)

Are Justices Split 3-3-3? New Term Is Already Offering Clues, Law360 (Oct. 27, 2023)

COURT: DeCurtis judge hears argument on motion to partially stay permanent injunction pending appeal, Debtwire (Sept. 13, 2023)

DeCurtis Lenders Say Ch. 11 Software Order May 'Cost Lives', Law360 (Sept. 11, 2023)

Former HUD Official Urges DC Circ. To Undo Conviction, Law360 (Aug. 16, 2023)

Law360's 2023 Appellate Editorial Advisory Board, Law360 (Apr. 3, 2023)

Supreme Court Rolls Back FTC Restitution Power, Law360 (Apr. 22, 2021)

Fed. Circ. Told Samsung's FRAND Bid Distorts Int'l Norms, Law360 (Apr. 5, 2021)



Jennifer Fischell

News & Appearances, *continued*

Illinois Brick Doesn't Kill Med Supply Suit, 7th Circ. Says, Law360 (Mar. 6, 2020)

Fed. Circ. Denies Apple's Rehearing Bid In \$600M IP Suit, Law360 (Feb. 10, 2020)

Presentations

Moderator, The Future of DEI Initiatives: The Post SFFA v. Harvard Legal Landscape, American Bar Association (Mar. 25, 2025)

Panelist, The Future of TikTok and ByteDance's Legal Battle in the United States (Webinar), GEN Law Firm and MoloLamken (Sept. 20, 2024)

Panelist, For the Times They Are (Might Be) A Changin' – How Two Supreme Court Decisions May Change Regulation of the Environment, 53rd Spring Conference on Environmental Law, American Bar Association (Apr. 4, 2024)

Moderator, Know Your Audience: Effective Advocacy at Every Level of Court (Webinar), American Bar Association (Mar. 20, 2024)

Panelist, The Evolving Talent Landscape in the Legal Profession – How to Adapt, Overcome, and Thrive, 2024 ALM | Law.com Legalweek (Feb. 1, 2024)

Panelist, Understanding PFAS Regulation: An Administrative Law Primer (Webinar), American Bar Association (Oct. 23, 2023)

Moderator, The Supreme Court's Energy Docket: Where It Has Been, and Where It Is Going, 2023 Mid-Year Energy Forum, Energy Bar Association (Oct. 11, 2023)

Professional Affiliations

American Bar Association

Section of Litigation – Co-Chair, Appellate Practice Committee (2024 - present)

Section of Litigation – Subcommittee Co-Chair, Appellate Practice Committee (2023 – 2024)

Section of Environment, Energy, and Resources – Vice Chair, Energy and Natural Resources Litigation Committee (2023)

Young Lawyers Division

Energy Bar Association

Federal Circuit Bar Association

Law360 Editorial Advisory Board

Energy (2024)

Appellate (2023)

William B. Bryant Inn of Court

Honors & Awards

40 & Under Litigator, *Benchmark Litigation*, 2024



Jennifer Fischell

Clerkships

Law clerk to the Honorable Elena Kagan, United States Supreme Court

Law clerk to the Honorable Raymond Kethledge, United States Court of Appeals for the Sixth Circuit

Law clerk to the Honorable Ronnie Abrams, United States District Court for the Southern District of New York

Education

University of Michigan Law School, J.D., *summa cum laude*

Order of the Coif

Articles Editor, *Michigan Law Review*, Vol. 114

Henry M. Bates Memorial Scholarship Award

Clarence Darrow Scholar

Campbell Moot Court Competition, Finalist

Cornell University, B.A., *summa cum laude*

Phi Beta Kappa

EXHIBIT 17



Eric R. Nitz

Eric R. Nitz handles complex disputes and investigations – mostly white-collar criminal and enforcement matters, but also business disputes – from their earliest stages through appeal. Mr. Nitz excels at running cases and managing high-stakes investigations.

Mr. Nitz has tried cases to verdict, taken and defended numerous depositions, argued dozens of motions, managed discovery in a wide range of civil and criminal cases involving complex subject matter and foreign-language document review, and worked with experts on a variety of subjects. He homes in on the issues that matter, cutting through the distractions to save resources and craft an effective strategy for achieving the client's objectives. Mr. Nitz has helped many clients successfully navigate high profile and politically sensitive investigations, and he has resolved white collar matters confidentially, persuading the government to close an investigation without bringing charges.

Mr. Nitz has appeared in federal courts throughout the country and has represented clients in connection with investigations by the Department of Justice, the Federal Bureau of Investigation, agency inspectors general, Congress, and other regulators. His clients include a Cabinet Secretary and other Senate-confirmed presidential appointees, high-ranking government officials, a high-level presidential advisor and other political staffers, professional athletes, and senior executives at some of the world's largest corporations. Mr. Nitz also conducts internal investigations—often under tight time constraints where efficiency is paramount. Mr. Nitz's clients also span the globe – from Asia to the Middle East to Europe to South America. As a result, Mr. Nitz is keenly attuned to the complexities that surround multinational investigations and business disputes.

Mr. Nitz is also an experienced appellate advocate. Prior to joining MoloLamken, Mr. Nitz clerked for the Honorable Joel M. Flaum of the United States Court of Appeals for the Seventh Circuit. He has argued in the D.C. Circuit and the Federal Circuit and led appellate briefing in many other courts, including merits briefing in the U.S. Supreme Court.

Mr. Nitz is the current president of the D.C. Chapter of the Federal Bar Association where he previously served as treasurer. He is a member of the Executive Board of the William B. Bryant Inn of Court and a member of the John Carroll Society. Before becoming a lawyer, Mr. Nitz was a high school science teacher at Pope John Paul II High School in Hendersonville, Tennessee.

Representative Matters

Trial Court & Investigations

- Cabinet Secretary in connection with Inspector General investigation
- Presidentially-appointed, Senate-confirmed agency head in connection with congressional investigation
- Senior Housing & Urban Development OIG official at trial involving false statements and obstruction of justice charges
- Secret Service official in parallel investigations by Congress and Department of Homeland Security into handling of White House security breach
- Department of Homeland Security official in connection with investigation into Anti-Deficiency Act violation
- Employees of large software company in connection with DOJ and SEC accounting fraud and securities fraud investigations
- Senior White House official in connection with investigation by DOJ special prosecutor
- Senior Department of Veterans Affairs official in connection with parallel investigations by Congress, the Department of Justice, and the Department of Veterans Affairs inspector general
- Senior executive branch official in connection with DOJ gratuities and false statements investigation
- Senior executive of Fortune 100 company in connection with DOJ criminal and civil false claims investigation
- Senior Department of Veterans Affairs official in connection with inspector general investigation into improper contracting practices
- Senior IRS official in connection with inspector general investigation regarding improper use of government information technology
- Senior political and media consultant in connection with DOJ fraud investigation



Eric R. Nitz

Representative Matters, *continued*

- Former senior National Weather Service official in connection with congressional investigation into allegations of conflict of interest
- Senior ATF official in connection with DOJ inspector general investigation into disclosure of ATF documents
- Senior OPM official in connection with congressional investigation into data breach of the federal government
- Internal investigation for regulator regarding mishandling of confidential information
- Large Middle Eastern aviation support company in multidistrict tort litigation
- Retired NFL football players objecting to class action settlement in multidistrict tort litigation
- IRS officials in constitutional tort action under *Bivens* involving alleged violations of the First Amendment and Fifth Amendment
- Prisoner at trial involving civil rights violations
- Small laundry detergent manufacturer and patent holder in multiple patent infringement lawsuits

Appellate

- *Ziglar v. Abbasi*, 137 S. Ct. 1843 (2017) – Drafted successful petition for writ of certiorari and merits briefing winning reversal of Second Circuit decision that extended *Bivens* to a new context
- *True the Vote v. IRS*, 831 F.3d 551 (D.C. Cir. 2016) – Drafted briefs and presented oral argument defending dismissal of *Bivens* action brought against IRS officials, winning affirmance of the district court's decision
- *Helman v. Dep't of Veterans Affairs*, 856 F.3d 920 (Fed. Cir. 2017) – Drafted briefs and presented oral argument successfully arguing that part of the Veterans Access, Choice and Accountability Act of 2014 was unconstitutional
- *In re NFL Players Concussion Litig.*, 821 F.3d 410 (3d Cir. 2016) – Drafted briefs challenging final approval of class action settlement

- *Drone Techs., Inc. v. Parrot S.A.*, 838 F.3d 1283 (Fed. Cir. 2016) – Drafted briefs on behalf of defendant drone manufacturer in appeal from default judgment as discovery sanction, winning reversal of the district court's underlying discovery and sanctions orders, and vacatur of the default judgement
- *Parrot S.A. v. Drone Techs., Inc.*, Nos.16-1884, 16-1885 (Fed. Cir.) – Drafted briefs in appeal from *inter partes* review decision, arguing that the patents under review were invalid as anticipated and obvious

Publications

3 Ways Civil Plaintiffs Could Fill An FCPA Enforcement Gap, Law360 (Mar. 10, 2025)

The Other Side of Leak Investigations: Defending the Press and Reporters, Media Law Resource Center (Feb. 2025) (with Kenneth Notter)

Jarkesy and Loper: Bombshells or Busts?, Hedge Fund Law Report (Aug. 1, 2024) (with Kenneth Notter)

Common Law Fraud and SEC v. Jarkesy: The Key Issue Underlying the Questions Presented, Hedge Fund Law Report (Mar. 28, 2024) (with Kenneth Notter)

The Foreign Extortion Prevention Act: Key Changes to U.S. Anti-Corruption Regime Reverberate Well Beyond America's Borders, Anti-Corruption Report (Jan. 31, 2024) (with Walter H Hawes IV)

Agency Power and Adjudication: The Government Seeks Supreme Court Review of Jarkesy v. SEC, Hedge Fund Law Report (June 8, 2023) (with Catherine Martinez and Christian Ronald)

Trump Indictment Tests Congress's Role in State Investigations, Bloomberg Law (May 18, 2023) (with Kenneth Notter)

A New Focus: Consequences of the Midterm Elections on Congress' Investigative Agenda, The National Law Journal (November 14, 2022)

Liu Is Dead, Long Live Liu: Spartan and Disgorgement After the NDAA, Hedge Fund Law Report (October 20, 2022)

Supreme Court Primed to Further Narrow Application of Wire and Mail Fraud Statutes in Corruption Cases, Corporate Livewire's 2022 Fraud & White Collar Crime Expert Guide (September 16, 2022) (with Megan C. Church)



Eric R. Nitz

Publications, *continued*

A Jury of Your Peers: Fifth Circuit Ruling in Jarkesy v. SEC Broadly Expands the Right to a Jury Trial for SEC Actions, Hedge Fund Law Report (July 21, 2022)

Into the Breach: How to Prepare for and Respond to Corporate Leaks, Bloomberg Law (May 24, 2022) (with Justin V. Shur and Walter H. Hawes IV)

In the Hot Seat: Tips for Corporate Executives Testifying Before Congress, Corporate Counsel (April 15, 2021) (with Justin V. Shur)

Recent Amendments to the Securities Exchange Act Pose New Risks for Private Fund Managers, Hedge Fund Law Report (February 25, 2021)

Rolling with the Punches: How to Use Tough Criticism as a Young Lawyer, Nat'l L.J. (October 8, 2019)

Playing the Long Game: Client Development Strategies for Young Lawyers, Nat'l L.J. (September 10, 2019)

US v. Craig and the Criminalization of Nondisclosure, Law360 (August 2019) (with Emily K. Damrau)

An American Lawyer in Queen Elizabeth's Court, The Champion (March 2019) (with Steven F. Molo and Ekta Dharia)

Prosecutors Avoid 5th Amendment Showdown In Libor Case, Law360 (October 2018) (with Justin V. Shur)

How the SEC May Circumvent the Five-Year Statute of Limitations on Disgorgement Under Kokesh, Hedge Fund Law Report (July 20, 2017) (with Justin V. Shur)

ALJ Appointments Issue Now Primed For High Court Review, Law360 (July 17, 2017) (with Justin V. Shur)

Navigating Overseas Discovery: Beware the Dangers of Foreign Law, Nat'l L.J. (May 20, 2014) (with Robert K. Kry)

Note, Comparing Apples to Apples: A Federalism-Based Theory for the Use of Founding-Era State Constitutions To Interpret the Constitution, 100 Geo. L.J. 295 (2011)

Professional Affiliations

Federal Bar Association, D.C. Chapter, Board of Directors

American Bar Association, Member

Honors & Awards

Washington D.C. Rising Star, *National Law Journal*, 2019

Clerkships

Law clerk to the Honorable Joel M. Flaum, United States Court of Appeals for the Seventh Circuit

Education

Georgetown University Law Center, J.D., *magna cum laude*

Order of the Coif

The Georgetown Law Journal

Finalist, Leahy Moot Court Competition

Quarterfinalist, National First Amendment Moot Court Competition, Vanderbilt University Law School

Georgetown University, M.P.P.

University of Notre Dame, M.Ed.

University of Notre Dame, B.S., *magna cum laude*, Biological Sciences

EXHIBIT 18



Cody A. Wiles

Cody A. Wiles's practice focuses on complex civil litigation, white collar criminal defense, and appeals. He represents both plaintiffs and defendants in a variety of venues, including state courts, federal courts, and arbitral forums.

Before joining MoloLamken, Mr. Wiles clerked for the Honorable Jill A. Pryor of the United States Court of Appeals for the Eleventh Circuit and for the Honorable John Antoon II of the United States District Court for the Middle District of Florida. During law school, Mr. Wiles was a research assistant for Michael S. Barr, now the Vice Chair for Supervision at the Federal Reserve.

Prior to attending college, Mr. Wiles spent four years in the United States Marine Corps, where he served as a field artilleryman and a combat marksmanship coach for the 11th Marine Regiment. He later served as the defense fellow for Congressman Scott Peters, supporting the congressman's work on the House Armed Services Committee.

Education

University of Michigan Law School, J.D., *cum laude*

The London School of Economics & Political Science, M.Sc., *with distinction*

Institut d'études politiques de Paris (Sciences Po), M.Sc.

Columbia University, B.A., *magna cum laude*

Representative Matters

- Represents a group of alternative investment managers in a suit alleging breach of contract and professional negligence in the New York Supreme Court, Commercial Division
- Represents a putative class of direct purchaser credit unions in an antitrust suit against a major financial services company in the United States District Court for the Northern District of Illinois.
- Represented a private equity firm in an appeal before the New York Supreme Court, Appellate Division, First Department

Clerkships

Law clerk to the Honorable Jill A. Pryor, United States Court of Appeals for the Eleventh Circuit

Law clerk to the Honorable John Antoon II, United States District Court for the Middle District of Florida